

SEVENTIETH DAY.

Senate Chamber,
Austin, Texas,
May 15, 1931.

The Senate met at 10 o'clock p. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent.

Martin.

Prayer by Rev. Wiggs of the House.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix).

Committee Reports.

(See Appendix).

Bills and Resolutions.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the introduction of general bills during the last 90 days of the session was suspended and consent was granted to introduce the following bill:

By Senator Williamson:

S. B. No. 628, A bill to be entitled "An Act to amend Article 602 of the Penal Code, as amended, making it an offense for any husband to willfully desert, neglect or refuse to provide for the support and maintenance of his wife, who may be in necessitous circumstances, or any

parent who shall willfully desert, neglect, or refuse to provide for the support and maintenance of any child, under a certain age; prescribing fines, penalties, and punishment; and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

Senator Excused.

On motion of Senator Stevenson, Senator Martin was excused for the day on account of important business.

Motion to Concur.

Senator Williamson moved to concur in the House amendment to S. B. No. 38. The motion prevailed by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Martin.

Conference Committee Requested.

On motion of Senator Williamson, the Senate refused to concur in House amendments to S. B. No. 31 and requested the appointment of a Conference Committee.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, May 15, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate, that the House has refused to concur in Senate Amendments to House Bill No. 508, and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Sanders, Kayton, Finn, Ford, Holder.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. B. No. 5, A bill to be entitled "An Act to amend Chapter 8, being Senate Bill No. 57, General Laws, Fourth Called Session, Forty-first Legislature, and Chapter Ten of Title 122 of the Revised Civil Statutes of Texas of 1925, by adding thereto another article to be known as Article 7335-A, limiting the power of Commissioners Courts in making contracts in connection with the collection of delinquent taxes; limiting the compensation that can be paid under such contracts; and declaring an emergency."

(With amendments.)

S. B. No. 31, A bill to be entitled "An Act to amend Section sixteen, Senate Bill Eleven, Chapter Forty-two, General Laws of the Second Called Session of the Thirty-first Legislature."

(With amendments.)

S. B. No. 35, A bill to be entitled "An Act making an appropriation to remove the remains of certain heroes and providing for monuments for such heroes."

(With amendments.)

H. C. R. No. 64, Authorizing the Enrolling Clerk of the House to correct the Caption of H. B. No. 905.

S. B. No. 83, A bill to be entitled "An Act Amending Article 4690, Chapter 1, and Article 5061, Chapter 21, Title 78, Revised Civil Statutes of 1925, by adding thereto Articles 4690-a and 5061-a, respectively; providing that all fees collected for the examination of insurance companies shall be paid by the company or persons examined in such a manner as the Commissioner of Insurance shall certify to be just and reasonable and that the assessments therefore shall be made by the Commissioner upon the insurance companies examined in proportion to assets or resources of such companies; providing for the employment of persons to make such examinations; making an appropriation and declaring an emergency."

(With amendments.)

S. B. No. 582, A bill to be entitled "An Act authorizing the State Treasurer to employ four extra clerks instead of three as authorized by House Bill 398, passed at the Regular Session of the Forty-second

Legislature, and declaring an emergency."

(With amendments.)

S. B. No. 38, A bill to be entitled "An Act, amending Section 3-A, Chapter 88 Acts of the Second Called Session of the Forty-first Legislature, by adding thereto Section 3-B, providing for the refunding of license fees paid on motor vehicles which are subsequently demolished or destroyed; prescribing the fee therefor, and the means and manner of making such refund, and declaring an emergency."

(With amendments.)

S. B. No. 136, A bill to be entitled "An Act amending Subdivision 2 of Article 199, Title 8, revised Civil Statutes of Texas of 1925, and providing for changing and prescribing terms and times of holding the Courts in the Second Judicial District of Texas; validating and continuing all processes and writs, bonds and recognizances and making them returnable to the terms of court in the several counties in said district as herein fixed; to validate the summoning of grand and petit jurors under the present law so as to render them available under the present Act; to repeal all laws and parts of laws in conflict herewith; providing for and declaring an emergency, and providing time for this Act to take effect."

(With amendments.)

H. B. No. 230, A bill to be entitled "An Act providing that all the provisions of the laws of this State applicable to the life, fire, marine, inland, lighting, tornado or casualty insurance companies shall, so far as the same are applicable, govern and apply to all companies transacting any other kind of insurance business in this State so far as they are not in conflict with provisions of law made specially applicable thereto, and declaring an emergency."

H. B. No. 349, A bill to be entitled "An Act fixing the salary of the county superintendent of public instruction in a certain class of counties classified according to population, said salary to be paid in the same manner and out of the same funds as provided for county superintendent under the laws of this State, and declaring an emergency."

H. B. No. 493, A bill to be entitled "An Act to amend Articles 4371, 4372, 4380, 4381, 4382, 4385, 4390,

4391, 4392 and 4393, and also Article 4388 as amended by Chapter 73, page 230, of the General Laws of the Fifth Called Session of the Forty-first Legislature, and to repeal Article 4387, all of said articles being from Chapter 3 of Title 70, Revised Civil Statutes of 1925, relating to the Department of State Treasurer, and declaring an emergency."

H. B. No. 495, A bill to be entitled "An Act to amend Articles 4350, 4353, 4354, 4355, 4357, 4358, 4359, 4363 and 4364, Chapter 2, of Title 70, Revised Civil Statutes of 1925, relating to system and methods of the Department of the Comptroller of Public Accounts, and declaring an emergency."

H. B. No. 518, A bill to be entitled "An Act to amend Article 6823 of the Revised Civil Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 519, A bill to be entitled "An Act to amend Article 821 of the Penal Code of the State of Texas of 1925, and declaring an emergency."

H. B. No. 520, A bill to be entitled "An Act providing for the making of daily reports of the use of State-owned automobiles and trucks; prescribing rules and regulations and defining certain offenses, and declaring an emergency."

H. B. No. 575, A bill to be entitled "An Act to require the officials of all counties, cities and towns, school districts and all other local units of government within the State, where taxes are levied and collected, to make such reports as may be required by the county auditor, if there be a county auditor, and if not then to the county clerk, showing the amount of taxes collected, the amount of taxes delinquent, the amount of money on hand to the credit of sinking funds to retire bonded indebtedness, and the amount of outstanding bonded indebtedness, etc., and declaring an emergency."

H. B. No. 588, A bill to be entitled "An Act to provide for the investment of the permanent funds of the Texas School for the Blind, Texas School for the Deaf, Austin State Hospital, State Orphans' Home and other permanent funds the investment of which is not otherwise provided for, and declaring an emergency."

H. B. No. 763, A bill to be entitled "An Act to provide that no person

transported by the owner or operator of a motor vehicle over the highways of this State as the guest of such owner or operator and without pay, shall have a cause of action for injury or death in case of accident unless such accident shall have been intentional or heedless, or reckless; providing exceptions, and declaring an emergency."

H. B. No. 904, A bill to be entitled "An Act amending Article 2688 Revised Statutes of Texas, 1925, and declaring an emergency."

(Relative to the establishment of the office of county school superintendent.)

H. B. No. 1050, A bill to be entitled "An Act applying to Johnson county, Texas, making it unlawful to seine, catch, or possess minnows for sale or commercial purposes, and making possession of two hundred minnows prima facie evidence of guilt; making it unlawful to catch any fish between March 1 and May 1; making it unlawful to possess any catfish nine inches or less in length, and requiring catfish under said length to be liberated; prescribing penalties, and declaring an emergency."

(With Engrossed Rider.)

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

The House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on Senate Bill No. 259. The following conferees on the part of the House:

Sanders, Murphy, Hubbard, Metcalfe, Lemens.

Hall of the House of Representatives,
Austin, Texas, May 15, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 50, Recalling Senate Bill No. 172 from the Governor's office for further consideration.

H. C. R. No. 65, Relative to law enforcement in Texas as to violation of lottery laws.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 15, 1931.
Hon. Edgar E. Witt, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bills:

S. B. No. 93, A bill to be entitled
"An Act amending Article 7471 of
the Revised Civil Statutes of Texas
of 1925 so as to provide that in the
appropriation of public waters as de-
fined in Article 7467 of the Revised
Civil Statutes of 1925, all rights con-
ferred by, through or in the appro-
priation of such waters for hydro-
electric power purposes, shall here-
after be subordinate to and shall
remain subordinate to the rights of
the State to grant allotments and
appropriations thereof for the use of
such waters for municipal and do-
mestic purposes (to include animal
life comprising food supplies); ir-
rigation purposes and manufacturing
and processing purposes (to include
mining and similar uses other than
the development of hydro-electric
power) any law to the contrary not-
withstanding; and amending Article
7472 of the Revised Civil Statutes
of the State of Texas of 1925 by
adding thereto the following, to-
wit: 'Provided, however, that all pub-
lic waters hereafter appropriated or
allotted for hydro-electric power
purposes, shall be subordinate to and
remain subordinate to the rights of
the state to appropriate and allot
such waters for municipal and do-
mestic purposes (to include animal
life comprising food supplies); ir-
rigation purposes and manufacturing
and processing purposes (to include
mining and similar uses other than
the development of hydro-electric
power); and providing for the al-
lotment of a sufficient amount of the
waters defined in said Articles for
the economical operation of ma-
chinery used by industries in the
manufacturing and processing of raw
materials into finished products and
for the economical operation of the
machinery used in generating elec-
tricity other than by hydro-electric
power, and declaring an emer-
gency.' "

S. B. No. 106, A bill to be entitled
"An Act creating a committee to be
known and styled 'The Texas Cen-
tennial Committee.' Said committee
to be composed of nine members,

three of whom are to be appointed
by the Speaker of the House, three
by the Lieutenant Governor and
three by the Governor; providing
that said committee shall be com-
missioned, shall organize by the elec-
tion of a president, a vice president
and other necessary officers and em-
ployees. That said committee shall
serve without any compensation
other than their traveling expenses
and hotel bills, and declaring an
emergency."

S. B. No. 149, A bill to be entitled
"An Act to amend Article 1058 of
the Code of Criminal Procedure of
the State of Texas, being Acts of
1930, Forty-first Legislature, Fourth
Called Session, page 93, Chapter 52,
Section 1, and an act to fix the com-
pensation of grand jury bailiffs in
counties having a population of one
hundred fifty thousand (150,000) or
more, according to the 1930 census
or which may hereafter have such
population and providing for an al-
lowance to compensate such bailiffs
for automobile expenses and up-
keep; and declaring an emergency."

S. B. No. 157, A bill to be entitled
"An Act to fix the salary of the
Superintendent of Public Instruction
in each county in Texas having a
population of not less than 13388 nor
more than 13393, according to the
Federal census of 1930; providing
for office assistants and salaries;
providing for office expenses; repeal-
ing all laws in conflict herewith and
declaring an emergency."

(With amendments.)

S. B. No. 410, A bill to be entitled
"An Act authorizing the commis-
sioners' court of Jack County, Texas, to
issue bonds of said county for the
purpose of funding or refunding in-
debtedness incurred for road and
bridge purposes, and to levy a tax
in payment thereof; and declaring
an emergency."

(With amendments.)

S. B. No. 506, A bill to be entitled
"An Act providing that constables in
precincts of a certain population, in
counties of a certain population, shall
not be entitled to have deputies, and
providing for additional deputy
sheriffs in said counties; prescribing
the number and compensation of said
deputies, and for their appointment,
and declaring an emergency."

(With amendments.)

S. B. No. 510, A bill to be entitled "An Act repealing Chapter 110, Acts of the Regular Session of the Thirty-ninth Legislature, and declaring an emergency."

S. B. No. 512, A bill to be entitled "An Act amending Article 199, Title 8, page 11, Revised Civil Statutes of the State of Texas, passed at the Regular Session of the Forty-first Legislature, 1929; providing for changing and prescribing times of holding court in the 84th Judicial District of Texas; validating and continuing all processes and writs, bonds, and recognizances and making them returnable to the terms of court in the several counties of said district as herein fixed; validating the summoning of grand and petit jurors under the present law so as to render them available under the present Act; enacting proper provisions relative to any term of court that may be in session when this Act takes effect; repealing all laws in conflict herewith; and declaring an emergency."

S. B. No. 532, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city which had more than forty-thousand population and fewer than one hundred thousand population, according to the Federal census of 1930, whether under general or special law, repealing all laws in conflict herewith, both general and special, and providing further that this Act shall not affect any such independent school district which at this time may have a larger authorized rate of taxation, and declaring an emergency."

S. B. No. 568, A bill to be entitled "An Act fixing the maximum amount of fees which all officers can receive under the provisions of the maximum fee bill in counties having a prescribed population, and declaring an emergency."

S. B. No. 603, A bill to be entitled "An Act to amend Chapter 78 of the Local and Special Laws enacted by the Thirty-sixth Legislature at its Regular Session in 1919, same being a Special Road Law for Erath County, by adding thereto Section 2a, authorizing the Commissioners' Court of Erath County to make further provision for the maintenance of public

roads and highways by the issuance of bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, prescribing the maximum amount of such indebtedness to be funded or refunded, repealing the provisions of Chapter 123 of the Local and Special Laws enacted by the Fortieth Legislature at its Regular Session in 1927, and declaring an emergency."

(With amendments.)

S. B. No. 619, A bill to be entitled "An Act to amend H. B. No. 59, Acts of the Regular Session of the Forty-second Legislature; and declaring an emergency."

H. B. No. 1039, A bill to be entitled "An Act to amend House Bill No. 94 as passed by the Forty-second Legislature, fixing the salary of the county superintendent of public instruction and the county board of school trustees in each county in Texas having a population of not less than 18,425 nor more than 18,435, according to the last preceding Federal census, and declaring an emergency."

H. B. No. 1046, A bill to be entitled "An Act providing for the employment of rural school supervisors in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisors; prescribing salaries to be paid such supervisors; providing other things incidental to the purpose of this Act, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 15, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the names of the House officers have been erased on the enrolled copy of S. B. No. 72. The House has reconsidered the vote by which S. B. No. 72 passed finally, amended the bill and passed finally by a viva voce vote.

S. B. No. 72, A bill to be entitled "An Act amending Section 79 of Article 199, Title 8, Revised Civil Statutes of 1925, changing the 79th Judicial District, providing the jurisdiction of said court and the fixing

of terms of court writs and bonds issued, served, executed or entered into shall be returned to the respective courts, prescribing the duties of such courts, and prescribing the time of the taking effect hereof."

(With amendments.)

The House has adopted the following resolution:

S. C. R. No. 51, Requesting the officers of the House and Senate to erase their signatures.

The House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses on Senate Bill No. 83. The following are conferees on the part of the House:

Savage, McCombs, Bedford, Lemens, Terrell of Val Verde.

The House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses on Senate Bill No. 382. The following are conferees on the part of the House:

Holland, Hughes, Johnson of Dallam, Sullivant, Gilbert.

The House has refused to concur in Senate amendments to House Bill No. 150 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Elliott, Gilbert, Kennedy, Johnson of Morris, Pope.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 15, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Conference Committee report on House Bill No. 335 by a vote of 87 yeas and 33 nays.

The House has adopted the Conference Committee report on H. B. No. 336 by a vote of 82 yeas and 26 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 15, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 860, A bill to be entitled "An Act repealing Chapter 23, Acts Second Called Session, Forty-first Legislature, and declaring an emergency."

H. B. No. 1051, A bill to be entitled "An Act validating the formation of consolidated school districts in certain counties in this State, and declaring an emergency."

H. B. No. 1054, A bill to be entitled "An Act to amend Chapter 18, Title 49, by adding a new article to be known as Article 2892a, providing for the compulsory school attendance for the school term of children between the ages of seven and fifteen, inclusive, in counties of a population of not less than 325,000 and not more than 326,000 population, according to the preceding Federal census."

H. B. No. 1055, A bill to be entitled "An Act authorizing commissioners' courts in any county having not less than 10,135 and not more than 10,145, according to the United States census of 1930, and having an area of not less than 3,000 square miles, to allow the county judge and each county commissioner certain expenses for traveling and in connection with the use of his automobile on official business, etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Simple Resolution No. 152.

Senator Holbrook sent up the following resolution:

Whereas, Congressman J. B. Shannon, a staunch and loyal democrat of Kansas City, Missouri, is in the Senate Chamber; and

Whereas, Congressman Shannon in the discharge of the duties of his office has shown a keen interest in legislative matters of vital concern to the State of Texas;

Therefore, be it resolved, that Congressman Shannon be extended the privileges of the floor and the

he be invited to address the Senate.
Read and adopted.

Congressman Shannon Speaks.

The Chair appointed Senators Holbrook and Small to escort Mr. Shannon to the platform.

The Chair introduced Mr. Holbrook who introduced Mr. Shannon. Mr. Shannon briefly addressed the Senate.

S. C. R. No. 51.

Senator Parr sent up the following resolution:

Be it resolved by the Senate (House of Representatives concurring) that the officers of the Senate and House be and are hereby directed to erase their signatures from the enrolled copy of S. B. 72.

PARR.

Read and adopted.

House Bills Referred.

H. B. No. 518 referred to Committee on State Affairs.

H. B. No. 519 referred to Committee on State Affairs.

H. B. No. 520 referred to Committee on State Affairs.

H. B. No. 1050 referred to Committee on State Affairs.

H. B. No. 493 referred to Committee on State Affairs.

H. B. No. 495 referred to Committee on State Affairs.

H. B. No. 588 referred to Committee on State Affairs.

H. B. No. 575 referred to Committee on State Affairs.

H. B. No. 763 referred to Committee on Civil Jurisprudence.

H. M. No. 230 referred to Committee on Insurance.

H. B. No. 904 referred to Committee on Educational Affairs.

H. B. No. 349 referred to Committee on Educational Affairs.

H. B. No. 1039 referred to Committee on Educational Affairs.

H. B. No. 1046 referred to Committee on Educational Affairs.

H. B. No. 1054 referred to Committee on Educational Affairs.

H. B. No. 1051 referred to Committee on Educational Affairs.

H. B. No. 860 referred to Committee on State Affairs.

H. B. No. 1055 referred to Committee on Counties and County Boundaries.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 624.

S. C. R. No. 52.

Senator DeBerry sent up the following resolution:

Be it resolved by the Senate of Texas, the House of Representatives concurring, that Hon. R. T. Wilkinson, Judge of the 76th Judicial District of Texas, be, and he is hereby granted permission to be absent from the State of Texas at such intervals and for such time as he may see fit and proper during the years 1931 and 1932.

DeBERRY.

Read and adopted.

Senator Woodul Resigns From Committee.

Senator Woodul received unanimous consent to withdraw his name from the list of Senate Conferees on S. B. No. 259.

House Bill No. 335.

On motion of Senator Woodul, the Conference Committee report on H. B. No. 335 was adopted by the following vote:

Yeas—27.

Beck.	Dotton.
Berkeley.	Poage.
Cousins.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Nays—1.

Cunningham.

Absent.

Hopkins.

Parrish.

Absent—Excused.

Martin.

Motion to Concur.

Senator Hornsby moved to concur in the House amendments to S. B. No. 5.

On motion of Senator Purl, the amendments were ordered printed in the Journal as follows:

Amend Senate Bill No. 5 by striking out all above the enacting clause and insert in lieu thereof the following:

"An Act declaring the policy of the State with reference to delinquent taxes; providing for the collection of said taxes and for the installment of a tax or flat system; and providing for the Comptroller and Commissioners' Court of the several counties to employ competent persons to collect delinquent taxes and to install a tax or flat system; and declaring an emergency."

WEINERT,
HANSON.
BARRON.

(May 14, 1931, adopted.)

Amend substitute for S. B. No. 5 by striking out the word "surveys" in line 23 of the printed substitute and insert in lieu thereof the words "renditions and assessments."

FERGUSON.

(May 14, 1931, adopted.)

Amend Harmon substitute for S. B. No. 5 by striking out the figures and symbol "20 %" where it appears in line 37 of the printed substitute and insert in lieu thereof the word "fifteen per cent."

FERGUSON.
GILES.

(May 14, 1931, adopted.)

Amend S. B. No. 5 by striking out all of section 2 and renumbering succeeding section according.

KENNEDY.
BARRON,

(May 14, 1931, adopted.)

Amend Senate Bill No. 5 by striking out all below the enacting clause and insert in lieu thereof the following:

Section 1. It is hereby declared the Policy of the State to adjust delinquent taxes, correct errors, and eliminate conflicts in surveys of land, and to collect delinquent, occupation, franchise and Ad Valorem Taxes, in order to clear this State of such taxes, errors and conflicts

at the earliest date possible, and to provide a system for assessors, in order to eliminate the numerous errors that now appear on the tax rolls each recurring year.

Sec. 2. All taxes shown to be due for years prior to 1915 shall be cancelled off the tax records both in counties and in the Comptroller's and Secretary of State's offices.

Sec. 3. Cost of collecting delinquent taxes shall not exceed the amount of the penalty and interest, or an amount equal to such penalty and interest, or an amount equal to such penalty and interest of all delinquent taxes collected. Any county desiring to install a tax or plat system and clear the county of errors, conflicts and unknown owners, may do so by paying not to exceed 20 % of the delinquent taxes collected, which payment shall cover the cost of records and installing same.

Sec. 4. In order to speedily carry out the provisions of this Act, the State Comptroller and the Commissioners' Court of each of the several counties are required to employ competent persons to do the work and to furnish the Comptroller and the Commissioners' Court all cases where adjustment is necessary; and in all such cases the Commissioners' Court shall make proper settlement or adjustment.

Sec. 5. This Act is not intended to change any law now in effect regarding the collection of delinquent taxes, but to be an aid to the officials in the discharge of their duties, and when the delinquent taxes in a county are adjusted, corrected and collected, the Comptroller shall take necessary steps to see that all delinquent taxes are collected within a reasonable time after they become delinquent, in order to avoid the necessity or again employing additional help.

Sec. 6. The fact that officials have let States taxes become delinquent to the amount of approximately \$20,000,000.00, most of which can be collected by adjustment and correction of errors, and the further fact that counties where land conflicts causes millions of dollars of property to appear on the tax rolls that does not exist, which facts show the necessity for a tax system, and the further fact that the State and counties are in need of their money, creates an emergency and a

public necessity exists requiring the suspension of the Constitutional Rule that requires bills to be read on three several days, and said Rule is hereby suspended and this Act shall take effect on the date of its passage, and it is so enacted.

WEINERT,
HARMON,
BARRON.

(May 14, 1931, adopted.)

Conference Committee Report.

Senator Holbrook sent up the following Conference Committee Report:

Committee Room,
Austin, Texas, May 15, 1931.
Hon. Edgar E. Witt, President of the Senate,
Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your conference committee on Senate Concurrent Resolution No. 45, appointed by your respective bodies to adjust the differences between the House and the Senate on same, have had the same under consideration, and beg leave to report that we have adjusted and agreed upon the differences between the two Houses and recommend the following:

That the original resolution, with Committee Amendment No. 1, adopted by the House, be, and the same is the report of this committee—that is to say that this Committee has eliminated and stricken from the resolution Committee Amendment No. 2 adopted by the House, and recommends the adoption of the original resolution with Committee Amendment No. 1.

Respectfully submitted,

HOLBROOK,
WOODWARD,
COUSINS,
HOPKINS,
On the part of the Senate.

DeWOLFE,
McCOMBS,
JOHNSON of Dimmit,
HOWSLEY,
On the part of the House.

Read and adopted.

House Bill No. 336.

Senator Woodul moved to adopt the Conference Committee report on

H. B. No. 336. The motion prevailed.

Senators Williamson, Woodruff, Rawlings, Cunningham, and Cousins received unanimous consent to be recorded as voting "nay".

REASON FOR VOTE.

Senator Rawlings stated that his reasons for voting "nay" were contained in the Minority statement.

I vote nay on Conference report of H. B. 336 for the reasons set out in the following minority report.

WILLIAMSON.

This bill purports to be a measure designed for the protection of the highways, but as recommended by the majority of this Committee, it is a measure designed to protect rail carriers from competition of the traffic upon the highways. The bill is clearly designed to allow the operation of busses as now conducted by the Railroads but will have the effect of eliminating trucks as a factor of competition with rail carriers.

The effort to eliminate the trucks without disturbing the busses results in a piece of legislation that is somewhat grotesque and clearly departs from any logical argument that protection of the highways is afforded or intended.

The width of all motor vehicles is allowed in the majority report to remain at 96 inches. We consider this a proper width but regard it as more than a coincidence that this happens to be the maximum width of any bus now operated by any railroad in Texas.

Height of all vehicles is increased from 11 feet in the original bill to 12 feet 6 inches in the majority report. This is not an unreasonable height.

Length of any one vehicle is raised from 30 feet in the original bill to 35 feet in the majority report. It is to be noted that the larger busses owned by rail lines in Texas measure 33 feet in length. A semi-trailer or train combination is permitted to be 45 feet in length. The standard recommended by the National Motor Vehicle Conference is 65 feet in length.

The bill approved by the majority of this Committee proposes to fix for this state a maximum payload that may be carried on any motor

vehicle or combination of vehicles at 7,000 pounds. Only one other state applies the restriction based upon the pay load that may be carried upon a vehicle and no consideration of highway preservation permits any such restriction. The universally applied restriction is upon the gross weight of a vehicle and its load. This is the present method in Texas and the right one. If motor trucks as now operated are unduly damaging to highways the gross weight of the vehicle and its load should be reduced. Under the bill recommended by the majority there is no restriction on gross weight and a 50,000 pound vehicle could be used on the highways of Texas provided it did not carry more than 7,000 pounds as its load.

It is significant to note that the largest of the busses operated by railroads in Texas have a gross weight of approximately 22,000 pounds. If highway damage does not occur from a bus of this weight operating at high speed, then it would not occur from a truck of equal gross weight operating at a lower speed. If the same gross weight were allowed for a truck as for a bus, it would permit the use of an 8,000 pound truck with a 14,000 pound pay load, or a 10,000 pound truck with a 12,000 pound pay load. Operation with either 10,000 or 12,000 pound pay load would tend to afford economical use of trucks as a competitive factor in the less than car load shipments of merchandise, livestock and other products, and this was objectionable to the majority. Restrictions proposed in the majority report will have a severe effect upon the commerce of this state and will result in substantial increase in the transportation rates prevailing in the state, as they are clearly designed to do. With no limitation placed upon the gross weight of vehicle and load such highway preservation as occurs will be only the by-product of an undisguised effort to restrict competition in the transportation field.

The above severe and unreasonable restrictions as to weight are not to apply in the case of trucks hauling to or from the nearest common carrier receiving or delivering point. In such cases the allowable length is increased to 55 feet and the allowable pay load to 14,000 pounds. Fur-

ther exceptions are provided where under the Highway Department or any County Judge may issue ninety day permits for oversize or overweight or overlength loads to be transported anywhere. This provision while operating liberally will override the measure passed by the Forty-first Legislature regulating movement of super-heavy equipment and loads upon the payment of a special fee for each separate haul, which measure was designed for the protection of the highways and introduced and passed upon the recommendation of the State Highway Department.

No restrictions in the proposed bill are to apply within incorporated cities and towns. If this bill were truly a measure to protect highways, the question of eliminating territory inside incorporated cities and towns would be negligible, but since this is a criminal statute for the purpose of denying the right to economical truck operation on the highways of this state it certainly cannot exclude any territory from the operation of this criminal statute. The bill fixes the cities and towns as delivery and distributing points, and, therefore, makes the criminal features binding in such cities and towns, although at the same time attempting to exclude them.

The proposed bill provides that any vehicle of less than 6,000 pounds gross weight shall be permitted to operate at a speed not exceeding forty miles per hour. If, however, the gross weight exceeds 6,000 pounds the speed limit shall not be more than 25 miles per hour. The present law provides for a speed limit much lower than 25 miles on the heavier vehicles. It is to be noted that the proposed bill allows any bus of whatever weight to operate at forty miles per hour.

An analysis of all experiences in operating trucks clearly demonstrates that no considerable transportation service can be built up on the highways if limited to a 7,000 pound pay load. The operating cost per mile would be prohibitive. Great injustice will be done to the small merchant who cannot afford to buy his merchandise in car load lots and give undue advantage to the larger concerns and chain store systems who own their own fleet of trucks. The result of such curtailment of

the transportation service on the highways would be very detrimental, particularly to the small towns of this state.

7,000 pound pay load practically eliminates the economical transportation on the highways of livestock, milk-hauling agencies and various other forms of haulage that affect the pursuits and prosperity of the producers and distributors of this state. All these drastic restrictions apply not only to motor vehicles used for profit but likewise to vehicles used for private purposes.

In a large number of the states there were introduced in the Legislatures at the beginning of this year bills almost identical with House Bill 336 as originally introduced in this Legislature. Not one of them passed in anything like its original form. The following is a list of the states that have passed, while this Legislature has been in session measures designed to limit the weight of trucks and opposite each state is indicated the weight which was fixed in the measures that finally passed:

Alabama:

House Bill 52.

Gross Weight on one axle 12,000 lbs.
Gross Weight on motor vehicle or combination 32,000 lbs.

Delaware:

House Bill 175

Gross weight on 4 wheels 26,000 lbs.
Gross weight on 6 wheels 36,000 lbs.
Gross weight on semi-trailer or combination 40,000 lbs.

Georgia:

Senate Bill 6

Pay load 12,500 lbs.

Indiana:

Senate Bill 124

Gross weight on any four wheels 24,000 lbs.
With liberal allowance for 6 wheel combinations.

Kansas:

Senate Bill 388

Gross weight on 4 wheels 24,000 lbs.
Gross weight on 6 wheels 34,000 lbs.

Maine:

House Paper 1090

Gross weight on 4 wheels 18,000 lbs.
Extra allowance on 6 wheel combinations 9,000 lbs.

Massachusetts:

House Bill 1391

Gross weight on 4 wheels 30,000 lbs.
Gross weight on 6 wheels 40,000 lbs.

Montana:

House Bill 399

Gross weight on 4 wheels 24,000 lbs.
Gross weight on 6 wheels 34,000 lbs.

Nevada:

House Bill 174

Gross weight on 4 wheels 25,000 lbs.
Gross weight on 6 wheels 38,000 lbs.

New Mexico:

Senate Bill 89

Gross weight on any one axle 18,000 lbs.

New York:

House Bill 1750

Gross weight on 4 wheels 36,000 lbs.
Gross weight on 6 wheels 44,000 lbs.
Gross weight on 8 wheels 50,000 lbs.

North Dakota:

Senate Bill 80

Gross weight any vehicle or combination 20,000 lbs.

Oregon:

Senate Bill 355

Gross weight on single unit or any combination 49,000 lbs.

Utah:

Senate Bill 33

Gross weight on 4 wheels 26,000 lbs.
Gross weight on 6 wheels 34,000 lbs.

West Virginia:

House Bill 195

Gross weight in agricultural areas on 4 wheels 32,000 lbs.
Gross weight metropolitan areas on 4 wheels 44,800 lbs.

It is to be noted that no state applied the pay load basis except Georgia, and this was raised to 12,500 lbs.

The Minnesota Legislature passed a measure similar to the one proposed by the majority of this Committee, known as House File 758. This was vetoed by Governor Olson, from whose veto measure the following extracts are taken:

"The bill is in anticipation of a substantial increase in railroad rates in Minnesota which will take effect about July 1, next, and is designed

to force the rates to be then charged by common carrier trucks up to the rates to be then charged by common carrier railroads."

"Expressed in frank terms, the purpose of the bill is to force the common carrier trucks out of business and restore to the railroads the so-called less than carload lot transportation business heretofore taken from them by the common carrier trucks."

"The rates of common carrier railroads and common carrier trucks are now about equal, but it is anticipated that the proposed increase in railroad rates without a like increase in truck rates will cause the railroads to lose more of their less than carload lot business to the trucks."

"Railroad transportation has been and is vitally essential to us and the railroads are entitled to protection from unfair competition. I assume that the substantial rate increase soon to take effect by order of the Interstate Commerce Commission was at the solicitation of the railroads."

"In effect, therefore, they are asking the state to protect them from the consequences of a situation which they themselves contributed to bring about. That protection will also result in imposing a heavier transportation charge burden upon the people of the state. * * *

"For years the people of Minnesota have complained because of the burden imposed on them by railroad transportation rates. That burden has been particularly severe on the farmers of Minnesota."

"This bill, in my opinion, if permitted by me to become a law would work a severe injustice on the independent merchants of Minnesota, who are unable to purchase commodities in carload lots, and will be able to compete with the chain institutions only because of the cheaper truck transportation rates for commodities shipped in less than carload lots."

The common carrier trucks are now regulated by the Minnesota Railroad and Warehouse Commission. The commission was created and has existed for the purpose of regulating rates to be charged by common carriers—truck or railroad—and any unfair competition against the railroads can be corrected by the Commission."

The situation in Texas at this time is almost identical to the conditions under which Governor Olson vetoed the bill passed by the Minnesota Legislature.

We of the minority cannot approve a measure designed for the protection of one industry that requires virtual confiscation of millions of dollars of equipment already purchased, while at the same time resulting in no public benefit, but on the other hand certain to result in a definite increase in the transportation cost of this state. Furthermore, passage of the measure recommended by the majority will result in loss of position to hundreds of men immediately and to thousands next January 1st, at a time when other places are almost impossible to find.

In our deliberations in the Free Conference Committee agreement was reached on some amendments proposed by the majority,—most of these were corrective. We were unable to have adopted any amendment proposed by the minority.

We have prepared no substitute bill, for the reason that both the Senate and the House, by their respective votes, so conclusively sustained the leadership of those who form the majority of this Conference Committee that we feel it unwise to spend the necessary effort and time to prepare a substitute measure unless instructed by our respective bodies to do so. We would recommend and support any measure dealing with weight, height, width, tire equipment, length of vehicles or combination that might be recommended by the State Highway Department of Texas and designed upon their recommendation as necessary for the preservation of the highway system of this state.

We recommend that the House and the Senate, or either of them, reject the majority report of this Free Conference Committee, and that the Committee be instructed to bring in a fair and constructive bill designed only for the preservation of the highways and the public safety.

Respectfully submitted,

RAWLINGS,

WILLIAMSON,

On the part of the Senate.

BUSH,

POPE,

On the part of the House.

REASON FOR VOTE.

I vote nay because the bill requires a regulation that is too stringent. I did not call for a record vote because the proponents had enough votes to pass the bill and put it into immediate effect. They agreed to not make a record vote so it will extend time of operation for a longer period of time.

COUSINS.

REASON FOR VOTE.

I vote nay on the adoption of the Conference report on H. B. 336 for the reason that some should have reserved to the citizens of Texas the right to use the Highways of this State as against foreign trucking and bus companies, and for the further reason that the bill is unreasonable in some of its provisions. I favored reasonable regulations.

WOODRUFF.

House Bill No. 856.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 856, A bill to be entitled "An Act amending Articles 2702, 2703 and 2724 of the Revised Statutes of Texas, 1925, relating to the county unit system of education, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Berkeley the constitutional rule requiring bills to be read on three several days was suspended and H. B. 856 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Martin.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Martin.

Conference Committee Requested.

On motion of Senator Purl, the Senate refused to concur in House amendments to S. B. No. 83 and requested the appointment of a Conference Committee.

Simple Resolution No. 150.

The Chair laid before the Senate: S. R. No. 150, Relating to certain cannon.

Read and adopted.

New Committee Member Appointed.

The Chair appointed Senator DeBerry to take Senator Woodul's place on the Conference Committee on S. B. No. 259.

Senate Bill No. 467.

The Chair lead before the Senate on its second reading the following bill:

By Senator Rawlings:

S. B. No. 467, A bill to be entitled "An Act to amend Article 7332, Chapter 10, Title 122, of the Revised Civil Statutes of Texas, relating to fees in delinquent tax suits, as amended by the Act of the 41st Legislature passed at its regular session and found in the published laws of said session, Chapter 143, pages 307-308, and as amended by the Acts of

the Fourth Session of the 41st Legislature as the same appears in the published laws of said session, etc., and declaring an emergency."

Read second time.

Conference Committee Appointed.

The Chair announced the appointment of the following committees:

Senate Conference Committee on H. B. No. 508, Senators Hardin, Thomason, Parr, Berkeley and Gainer.

Senate Conference Committee on S. B. No. 83, Senators Purl, Woodruff, Holbrook, Stevenson, and Russek.

Recess.

On motion of Senator Russek, the Senate, at 12:02 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m. pursuant to recess, and was called to order by President Pro Tem Carl Hardin.

Senate Bill No. 467.

The question recurred upon S. B. No. 467.

The bill was passed to engrossment.

On motion of Senator Rawlings the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 467 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Martin.	Woodruff.
Poage.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Martin.	Woodruff.
Poage.	

Senate Bill No. 605.

The Chair laid before the Senate on its second reading the following bill:

By Senator Cunningham:

S. B. No. 605, A bill to be entitled "An Act authorizing the State Comptroller of Public Accounts, and the State Treasurer to cancel off their books outstanding and unpaid warrants issued prior to September 1, 1927, and directing the method of payment of same and declaring an emergency."

Read second time.

Senator Cunningham sent up the following amendment:

Amend Senate Bill No. 605, by adding at the end of Section 1 a new sentence as follows:

"No general or special warrants hereafter issued shall be paid by the State Treasurer unless presented for payment within two years from the close of the fiscal year in which such warrant was issued, but claims for the payment of such warrants may be presented to the Legislature for appropriations to be made from which such claims may be paid."

CUNNINGHAM

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Cunningham the constitutional rule requiring bills to be read on three several days was

suspended and S. B. No. 605 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Martin.	Woodruff.
Poage.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Martin.	Woodruff.
Poage.	

House Bill No. 818.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 818, A bill to be entitled "An Act authorizing the commissioners courts of all counties adjacent to the Gulf of Mexico to issue time warrants bearing interest not exceeding eight per cent per annum to be used in the payment either by outright purchase, or after condemnation proceedings, of lands for right of way purposes for an intercoastal canal, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 818 was put on its third reading and final passage, by the following vote.

Yeas—28.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Martin.	Woodruff.
Poage.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Martin.	Woodruff.
Poage.	

House Bill No. 964.

Senator Cousins moved to take up H. B. No. 964. The motion prevailed by the following vote:

Yeas—16.

Beck.	Hopkins.
Cousins.	Hornsby.
Gainer.	Martin.
Holbrook.	Neal.

Parr.	Small.
Parrish.	Stevenson.
Patton.	Thomason.
Purl.	Woodul.

Nays—6.

Berkeley.	Loy.
Cunningham.	Oneal.
DeBerry.	Woodward.

Absent.

Greer.	Rawlings.
Hardin.	Russek.
Moore.	Williamson.
Pollard.	

Absent—Excused.

Poage.	Woodruff.
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The Chair laid before the Senate on its second reading the following bill:

By McDougald, et al:

H. B. No. 964, A bill to be entitled "An Act releasing the inhabitants of and property in Orange County from the payment of nine-tenths (9-10) of the ad valorem taxes levied for State purposes for a period of twenty-five (25) years providing generally the means and manner thereof; providing for the establishment of a Conservation and Reclamation District in said County, and the means, manner and time thereof, and for the issuance of bonds by said District, and for the collection of said taxes and creation of a sinking fund out of which said bonds and interest shall be paid, in the same manner as bonds are now authorized to be issued and paid; providing the purposes of said District; prescribing certain limitations and conditons; provding generally for the carrying out of the purposes hereof; and declaring an emergency."

Senator Stevenson moved to suspend the rule requiring the printed bill to lie on the desks of the Senators 24 hours. The motion was lost by the following vote:

Yeas—14.

Cousins.	Parr.
Gainer.	Patton.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Martin.	Williamson.
Neal.	

Nays—8.

Berkeley.	Oneal.
Cunningham.	Pollard.
DeBerry.	Purl.
Loy.	Woodward.

Absent.

Beck.	Rawlings.
Greer.	Russek.
Hardin.	Woodul.
Parrish.	

Absent—Excused.

Moore.	Woodruff.
Poage.	

(Two-thirds vote required.)

Senators Excused.

On motion of Senator Holbrook, Senators Poage and Woodruff were excused for the remainder of the day on account of their attendance upon the funeral of the late Dr. S. P. Brooks.

Motions to Concur.

Senator Parr moved to concur in the house amendments to S. B. No. 72. The motion prevailed.

Senator Holbrook moved to concur in the house amendments to S. B. No. 35. The motion prevailed.

Senator Holbrook moved to concur in the house amendment to S. B. No. 582. The motion prevailed by the following votes:

Yeas—27.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Neal.	Woodward.
Oneal.	

Absent.

Beck.

Absent—Excused.

Moore.	Woodruff.
Poage.	

Senate Bill No. 294.

Senator Parrish moved to take up S. B. No. 294. The motion was lost by the following vote:

Yeas—13.

Berkeley.	Pollard.
Cousins.	Purl.
Gainer.	Small.
Hornsby.	Stevenson.
Neal.	Thomason.
Parrish.	Woodul.
Patton.	

Nays—7

Cunningham.	Loy.
DeBerry.	Martin.
Holbrook.	Parr.
Hopkins.	

Present—Not Voting.

Hardin.

Absent.

Beck.	Russek.
Greer.	Williamson.
Oneal.	Woodward.
Rawlings.	

Absent—Excused.

Moore.	Woodruff.
Poage.	

(Two-thirds vote required.)

House Bill No. 748.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 748, A bill to be entitled "An Act prohibiting the taking of more than ten (10) squirrels in one day or the possession of more than twenty (20) squirrels at any time; providing a penalty and repealing all laws in conflict herewith, and declaring an emergency."

Read second time.

Senator Stevenson sent up the following amendment:

Amendment to H. B. No. 748.

Exempt all the Counties of the 18th Senatorial District from the jurisdiction of the bill and amend the caption to conform.

STEVENSON.

Read and adopted.

Senator Hopkins sent up the following amendment:

Amend H. B. No. 748 by adding to Section 1 thereof the following: Pro-

vided however the terms of this Act shall not apply to Counties of Gonzales, Comal, Guadalupe, Hays, Blanco and Caldwell.

HOPKINS.

Read and adopted.

Senator Holbrook sent up the following amendment:

Amend S. B. No. 748 by excepting from the terms of this bill all counties in the 8th and 17th Senatorial District.

HOLBROOK.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Thomason, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 748 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Neal.	Woodward.

Absent—Excused.

Moore.	Woodruff.
Poage.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Neal.	Woodward.

Absent—Excused.

Moore.	Woodruff.
Poage.	

House Bill No. 480.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Leonard, Mr. Pope, Mr. Dunlap, Mr. Hill, Mr. Johnson of Dimmit and Mr. West of Cameron:

H. B. No. 480, A bill to be entitled "An Act defining the north white wing zone and the south white wing zone and amending Article 879a of Chapter 74, of the General and Special Laws of the Regular Session of the Forty-first Legislature, and Article 879b of Chapter 215, of the General and Special Laws of the Regular Session of the Fortieth Legislature, which articles relate to the open season on white wing doves and quail, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 480 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Neal.	Woodward.

Absent—Excused.

Moore.	Woodruff.
Poage.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Hornsby.
Berkeley.	Loy.
Cousins.	Martin.
Cunningham.	Neal.
DeBerry.	Oneal.
Gainer.	Parr.
Greer.	Parrish.
Hardin.	Patton.
Holbrook.	Pollard.
Hopkins.	Purl.

Rawlings.	Thomason.
Russek.	Williamson.
Small.	Woodul.
Stevenson.	Woodward.

Absent—Excused.

Moore.	Woodruff.
Poage.	

Senate Bill No. 220.

Senator Martin called up from the table the following bill:

S. B. No. 220, A bill to be entitled "An Act creating the office of criminal district attorney in those counties which constitute at least one and not more than two separate judicial districts within themselves in which there is not now a district attorney; providing that the present county attorney in those counties, who performs the duties of county and district attorney, shall qualify as criminal district attorney, remain in office and take the oath and give the bond required of district attorneys by the Constitution and laws of Texas, organize their forces, and continue the work as criminal district attorneys until their successors are elected and qualified; providing for the election of a criminal district attorney at the next general election; providing for the qualifications and oath of said criminal district attorney; and providing that such officers shall be commissioned by the Governor; providing that county attorneys affected by this Act shall hereafter be known as criminal district attorneys; etc., and declaring an emergency."

The question recurred upon the pending amendment by Senators Purl and Loy.

By unanimous consent, the word "one" in the amendment was changed to "three."

The amendment was adopted.

By unanimous consent, the amendment by Senators Loy and Martin adopted May 5, was withdrawn.

Senator Loy sent up the following amendments:

Amend S. B. No. 220, by striking out of the caption the following language:

"An Act creating the office of Criminal District Attorney in those counties which constitute at least one and not more than two separate Judicial Districts within themselves in which there is not now a District Attorney," and insert in lieu thereof the following:

"An Act creating the office of Criminal District Attorney in those counties having a population of less than Seventy Five Thousand (75,000) inhabitants as determined by the last preceding Federal Census, and each succeeding Federal Census thereafter, and in which the County Attorney performs the duties of County Attorney and District Attorney, and in which there is not now a District Attorney."

LOY,
MARTIN.

Read and adopted.

Amend S. B. No. 220, by striking out all of the first sentence of Section No. 1, and insert in lieu thereof the following:

"In those counties in this State having a population of less than 75,000 inhabitants as determined by the last preceding Federal Census, and each succeeding Federal Census thereafter, and in which the County Attorney performs the duties of County Attorney and District Attorney, and in which there is not now a District Attorney, the office of Criminal District Attorney is hereby created, and shall exist from and after the passage of this Act."

LOY,
MARTIN.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Martin, the constitutional rule requiring bills to be read on three several days was suspended and S. B. 220 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
Gainer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Neal.	Woodul.
Oneal.	Woodward.

Nays—1.

DeBerry.

Absent.

Greer.

Absent—Excused.

Moore. Woodruff.
Poage.

Read third time and finally passed by the following vote:

Yeas—21.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
Gainer.	Patton.
Hardin.	Pollard.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Woodul.
Martin.	

Nays—2.

DeBerry. Purl.

Absent.

Greer.	Williamson.
Rawlings.	Woodward.
Russek.	

Absent—Excused.

Moore. Woodruff.
Poage.

Senate Bill No. 445.

The Chair laid before the Senate on its second reading the following bill:

By Senator Parrish:

S. B. No. 445, A bill to be entitled "An Act to amend Article 440 of the Code of Criminal Procedure, Revision of 1925, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Parrish, the constitutional rule requiring bills to be read on three several days was suspended and S. B. 445 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Holbrook.
Berkeley.	Hopkins.
Cousins.	Hornsby.
Cunningham.	Loy.
DeBerry.	Martin.
Gainer.	Neal.
Greer.	Oneal.
Hardin.	Parr.

Parrish.	Small.
Patton.	Stevenson.
Pollard.	Thomason.
Purl.	Williamson.
Rawlings.	Woodul.
Russek.	Woodward.

Absent—Excused.

Moore.	Woodruff.
Poage.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Neal.	Woodward.

Absent—Excused.

Moore.	Woodruff.
Poage.	

Motion to Concur.

Senator Thomason moved to concur in the House amendment to S. B. No. 136. The motion prevailed by the following vote:

Yeas—28.

Beck.	Oneal.
Berkeley.	Purl.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Neal.	Woodward.

Absent—Excused.

Moore.	Woodruff.
Poage.	

Senate Bill No. 409.

The Chair laid before the Senate on its second reading the following bill:

By Senator Stevenson:

S. B. No. 409, A bill to be entitled "An Act fixing the compensation of district attorneys in each judicial district in this State containing five or more counties having a combined population, according to the Fifteenth Census of the United States, of the year 1930, of not less than 52,080, nor in excess of 52,090; providing how the same shall be paid; providing for an assistant district attorney in each such district; and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Stevenson, the constitutional rule requiring bills to be read on three several days was suspended and S. B. 409 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Neal.	Woodward.

Absent—Excused.

Moore.	Woodruff.
Poage.	

Read third time and finally passed.

H. C. R. No. 58.

The Chair laid before the Senate the following resolution:

H. C. R. No. 58, Relating to the appointment of a Committee to consider recommendations of the State Efficiency Expert.

Read second time.

Senator Woodruff sent up the following amendment:

Amend H. C. R. No. 58 by striking out the figures and letters "41st"

wherever they occur after the first paragraph thereof and by inserting in lieu thereof the following figures and letters, viz:
"42nd".

WOODRUFF.

Read and adopted.

Senator Holbrook moved to indefinitely postpone further consideration of the resolution.

Senator Purl moved to table the motion. The motion to table prevailed.

The resolution was adopted by the following vote:

Yeas—21.

Beck.	Parrish.
Berkeley.	Patton.
DeBerry.	Pollard.
Gainer.	Purl.
Hardin.	Russek.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—4.

Cunningham.	Parr.
Holbrook.	Small.

Absent.

Cousins.	Rawlings.
Greer.	

Absent—Excused.

Moore.	Woodruff.
Poage.	

Motion to Concur.

Senator Gainer moved to concur in the House amendments to S. B. No. 157. The motion prevailed.

Bills Signed.

The Chair, President Pro Tem. Carl Hardin, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 38.	S. B. No. 619.
S. B. No. 532.	S. B. No. 510.
S. B. No. 568.	S. B. No. 93.
S. B. No. 149.	S. B. No. 512.
S. B. No. 106.	

Senate Bill No. 622.

The Chair laid before the Senate on its second reading the following bill:

By Senator Small:

S. B. No. 622, A bill to be entitled "An Act authorizing any corporation heretofore organized and incorporated under Article 1495 and Article 1496 of the Revised Civil Statutes of 1925, or any prior law, or any corporation that may hereafter be organized under said articles, and owning or operating oil pipe line or lines in this State, to lease or attach to their line or lines other pipe line or lines, by lease or purchase, and to join with any other corporation authorized to own and/or operate an oil pipe line or lines, person or association in constructing, leasing, owning, using, operating or maintaining pipe line or lines, upon such terms as may be agreed upon between the directors or managers of the respective corporations, and to own and hold any interest in such line or lines, or to become lessees or lessors thereof, on such terms as the respective corporations, persons or associations may agree to; and providing that nothing herein shall be construed as authorizing any such corporation or person to violate any provision of the anti-trust laws of this State; and declaring an emergency."

On motion of Senator Small, the bill was laid on the table subject to call.

Motion to Reconsider.

Senator Purl moved to reconsider the vote by which the Senate failed to suspend the rule requiring printed copies of a bill to lie on the desks of the Senators 24 hours and permit H. B. No. 964 to be taken up. The motion prevailed by the following vote:

Yeas—19.

Beck.	Martin.
Cousins.	Neal.
Gainer.	Parr.
Greer.	Parrish.
Hardin.	Patton.
Holbrook.	Purl.
Hopkins.	Small.
Hornsby.	Stevenson.

Thomason. Woodul.
Williamson.

Nays—5.

Berkeley. Oneal.
Cunningham. Woodward.
DeBerry.

Absent.

Loy. Rawlings.
Pollard. Russek.

Absent—Excused.

Moore. Woodruff.
Poage.

The motion to suspend the rule requiring printed copies of the bill to lie on the desks 24 hours prevailed by the following vote:

Yeas—18.

Beck. Parrish.
Cousins. Patton.
Gainer. Pollard.
Greer. Purl.
Holbrook. Small.
Hopkins. Stevenson.
Hornsby. Thomason.
Martin. Williamson.
Neal. Woodul.

Nays—6.

Berkeley. Loy.
Cunningham. Oneal.
DeBerry. Woodward.

Present—Not Voting.

Hardin.

Absent.

Rawlings. Russek.

Absent—Excused.

Moore. Woodruff.

(Pair Recorded.)

Senator Parr (present) who would vote yea, with Senator Poage (absent) who would vote nay.

The bill was read second time.

Senator Oneal sent up the following amendment:

Amend House Bill No. 964 by adding immediately after Section No. 4, additional Sections Nos. 5, 6, 7, 8, 9, 10 and 11, in words and figures as follows:

Section No. 5. If this Act should not become null and void under the

provisions of Section 4, hereof, then not later than fifteen (15) days before the convening of the Commissioners' Court as a Board of Equalization in said County, or any part of said County, it shall be the duty of the Commissioners' Court by an order entered upon its minutes to fix the day and hour for a hearing when it should meet as a Board of Equalization under authority of Article 7206 of the Revised Civil Statutes, 1925. Immediately after the order is entered, it shall be the duty of the County Clerk to send by registered mail a certified copy of said order to the Attorney General of the State of Texas, at Austin, Texas.

Section No. 6. When such notice has been received by the Attorney General, it shall be his duty to attend said hearing in person or by one or more assistants, if he deems it for the best interest of the State of Texas. If, in the opinion of the Attorney General, he deems it to be the best interest of the State of Texas that he or his assistants be present at the hearing, he shall in writing notify the County Clerk of said County of his attention to be present and it shall be the duty of said County Clerk on receipt of said notice and before the day set for said hearing, immediately to notify the County Judge that the Attorney General has advised that he desires to participate in said hearing.

Section No. 7. Upon the meeting or convening of said Board of Equalization, the Attorney General, if he be present, or such of his assistants as he may have designated, shall have the right to inspect any and all renditions, assessments, assessment books or lists of assessments of the assessor of taxes under the jurisdiction of said Board of Equalization, and if in the opinion of the Attorney General, or his designated assistants, the valuation of any property has not been fixed in accordance with the laws of the State of Texas, or the same is not being assessed at its fair valuation for the purpose of taxation, he shall demand that a day be set by the Board of Equalization for a hearing, at which hearing the fair and correct value at which said property should be rendered or assessed shall be fixed and determined; the date of said hearing shall be not more than forty-five (45) days from

the date upon which said hearing is demanded.

Section No. 8. The owner or owners of any property, the value of which is to be determined in accordance with the terms of this Act, shall be duly notified of such hearing in the time now provided by law for hearings before Boards of Equalization, and upon said hearing, the Attorney General or his assistants shall have the right, and it is made their duty to subpoena all witnesses and introduce all pertinent evidence touching the valuation of said properties and demand and receive access to any and all books and records of said property owners which may be deemed necessary in order to establish the true value of the property. The owner or owners of said property shall have all rights herein granted to the Attorney General, and assistants, and in addition thereto shall have all rights now granted to them under existing laws.

Section 9. The State of Texas or the owner or owners of said property shall have the right to appeal from any order of the Board of Equalization fixing the value of any property for taxation purposes; notice of appeal shall be given by the Attorney General or his assistants or by the owner or owners of said property. The appeal shall be to the District Court having jurisdiction over said county, or if there be more than one District Court having said jurisdiction, then any of them; and the trial shall be de novo. The only issue to be determined in said Court shall be the question of proper valuation as provided for in Chapter 7, Title 122, Revised Civil Statutes, 1925; and especially Articles 7211 and 7212 thereof.

Section 10. The failure, refusal or neglect of the Commissioners' Court to enter the order provided for herein, and its failure, refusal or neglect to conduct a hearing upon the request of the Attorney General as herein provided or the failure, refusal or neglect of the County Clerk to send, in the manner provided herein, a certified copy or the order for said hearing to the Attorney General shall constitute official misconduct and said officer may be removed from office in the manner prescribed by law save and except that venue in such cases may be had in the county where the officer sought to be removed resides.

Section 11. That the provisions of this Act are separable and if any Section or part hereof shall be held unconstitutional or void by any Court for any reason, the same shall not affect the validity of any other part or Section of this Act, and the same shall remain and be in full force and effect."

ONEAL,
LOY.

The amendment was read.

Senator Holbrook raised the point of order that this amendment embodied the same substance in almost the same wording as H. B. No. 966 which had previously been killed in the Senate and was therefore out of order.

Senator Berkeley moved to lay the bill on the table subject to call pending the decision of the point of order.

Senator Cousins moved to table the motion. The motion to table prevailed by the following vote:

Yeas—18.

Beck.	Parr.
Cousins.	Parrish.
Gainer.	Patton.
Greer.	Purl.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Martin.	Williamson.
Neal.	Woodul.

Nays 8.

Berkeley.	Oneal.
Cunningham.	Pollard.
DeBerry.	Rawlings.
Loy.	Woodward.

Present—Not Voting.

Hardin.

Absent.

Russek.

Absent—Excused.

Moore.

Woodruff.

Poage.

Senator Holbrook withdrew the point of order.

Senator Stevenson moved to table the amendment. The motion prevailed.

Senator Oneal sent up the following amendment:

Amend House Bill No. 964 by adding immediately after Section No. 4, additional Sections Nos. 5, 6, 7,

8, 9, and 10 in words and figures as follows:

Sec. No. 5. If this Act should not become null and void under the provisions of Section 4, hereof, then not later than fifteen (15) days before the convening of the Commissioners' Court as a Board of Equalization in said County, or any part of said County, it shall be the duty of the Commissioners' Court by an order entered upon its minutes to fix the day and hour for a hearing when it should meet as a Board of Equalization under authority of Article 7206 of the Revised Civil Statutes, 1925. Immediately after the order is entered, it shall be the duty of the County Clerk to send by registered mail a certified copy of said order to the Attorney General of the State of Texas, at Austin, Texas.

Sec. No. 6. When such notice has been received by the Attorney General, it shall be his duty to attend said hearing in person or by one or more assistants, if he deems it for the best interest of the State of Texas. If, in the opinion of the Attorney General, he deems it to be the best interests of the State of Texas that he or his assistants be present at the hearing, he shall in writing notify the County Clerk of said county of his intention to be present and it shall be the duty of said County Clerk on receipt of said notice and before the day set for said hearing, immediately to notify the County Judge that the Attorney General has advised that he desires to participate in said hearing.

Sec. No. 7. Upon the meeting or convening of said Board of Equalization, the Attorney General, if he be present, or such of his assistants as he may have designated, shall have the rights to inspect any and all renditions, assessments, assessment books or lists of assessments of the assessor of taxes under the jurisdiction of said Board of Equalization, and if in the opinion of the Attorney General, or his designated assistants, the valuation of any property has not been fixed in accordance with the laws of the State of Texas, or the same is not being assessed at its fair valuation for the purpose of taxation, he shall demand that a day be set by the Board of Equalization for a hearing, at which hearing the fair and correct value at which said property should be

rendered or assessed shall be fixed and determined; the date of said hearing shall be not more than forty-five (45) days from the date upon which said hearing is demanded.

Sec. No. 8. The owner or owners of any property, the value of which is to be determined in accordance with the terms of this Act, shall be duly notified of such hearing in the time now provided by law for hearings before Boards of Equalization, and upon said hearing, the Attorney General or his assistants shall have the right, and it is made their duty to subpoena all witnesses and introduce all pertinent evidence touching the valuation of said properties and demand and receive access to any and all books and records of said property owners which may be deemed necessary in order to establish the true value of the property. The owner or owners of said property shall have all rights herein granted to the Attorney General, and assistants, and in addition thereto shall have all rights now granted to them under existing laws.

Sec. 9. The failure, refusal or neglect of the Commissioners' Court to enter the order provided for herein, and its failure, refusal or neglect to conduct a hearing upon the request of the Attorney General as herein provided or the failure, refusal or neglect of the County Clerk to send, in the manner provided herein, a certified copy of the order for said hearing to the Attorney General shall constitute official misconduct and said officer may be removed from office in the manner prescribed by law save and except that venue in such cases may be had in the county where the officer sought to be removed resides.

Sec. 10. That the provisions of this Act are separable and if any Section or part hereof shall be held unconstitutional or void by any Court for any reason, the same shall not affect the validity of any other part or Section of this Act, and the same shall remain and be in full force and effect."

ONEAL,
LOY.

Senator Berkeley moved to recess until 8 o'clock, p m.

Senator Loy moved to adjourn until 10 o'clock tomorrow morning. The motion was lost by the following vote:

Yeas—5.

Cunningham. Oneal.
DeBerry. Stevenson.
Loy.

Nays—20.

Beck. Parr.
Berkeley. Parrish.
Cousins. Patton.
Gainer. Pollard.
Greer. Purl.
Holbrook. Rawlings.
Hopkins. Small.
Hornsby. Thomason.
Martin. Williamson.
Neal. Woodul.

Present—Not Voting.

Hardin.

Absent.

Russek. Woodward.

Absent—Excused.

Moore. Woodruff.
Poage.

The motion to recess was lost.

The pending amendment was read.

On motion of Senator Holbrook the previous question was ordered on the amendment and the bill.

Senator Holbrook raised the point of order that the pending amendment was the same as the previous amendment, which was tabled, with the exception of one section which had been omitted from the pending amendment.

The Chair President Pro Tem Carl Hardin, sustained the point of order.

Senator Purl raised the point of order that a quorum showed 25 present.

Senator Oneal raised the point of order that a quorum was lacking. The roll call showed 22 present.

Senator Oneal moved to recess until 8 o'clock p. m. The motion was lost.

The bill was passed to third reading by the following vote:

Yeas—17.

Cousins. Patton.
Gainer. Pollard.
Greer. Purl.
Holbrook. Small.
Hopkins. Stevenson.
Hornsby. Thomason.
Martin. Williamson.
Neal. Woodul.
Parrish.

Nays—5.

Berkeley. Loy.
DeBerry. Woodward.
Oneal.

Present—Not Voting.

Hardin.

Absent.

Beck. Cunningham.

Absent—Excused.

Moore. Woodruff.

On motion of Senator Cousins, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 964 was put on its third reading and final passage, by the following vote:

Yeas—21.

Berkeley. Parrish.
Cousins. Patton.
Gainer. Pollard.
Greer. Purl.
Hardin. Rawlings.
Holbrook. Small.
Hopkins. Stevenson.
Hornsby. Thomason.
Martin. Williamson.
Neal. Woodul.
Parr.

Nays—4.

DeBerry. Loy.
Oneal. Woodward.

Absent.

Beck. Cunningham.

Absent—Excused.

Moore. Russek.
Poage. Woodruff.

Read third time and finally passed by the following vote:

Yeas—17.

Cousins. Patton.
Gainer. Pollard.
Greer. Purl.
Holbrook. Small.
Hopkins. Stevenson.
Hornsby. Thomason.
Martin. Williamson.
Neal. Woodul.
Parrish.

Nays—5.

Berkeley. Loy.
DeBerry. Woodward.
Oneal.

Present—Not Voting.

Hardin.

Absent.

Beck. Cunningham.

Absent—Excused.

Moore. Woodruff.

(Pairs Recorded.)

Senator Parr (present), who would vote yea with Senator Poage (absent) who would vote nay.

Senator Rawlins (present), who would vote nay with Senator Russek (absent) who would vote yea.

Senator Rawlins (present), who would vote nay with Senator Russek (absent) who would vote yea.

Recess.

Senator Berkeley moved to recess until 8:15 o'clock p. m.

Senator Williamson moved to recess until 10 o'clock tomorrow morning.

Senator Purl moved to adjourn until 10 o'clock Monday morning.

The motion was lost.

The motion to recess until 10 o'clock tomorrow was lost by the following vote:

Yeas—8.

DeBerry. Parr.
Holbrook. Parrish.
Hopkins. Stevenson.
Martin. Williamson.

Nays—14.

Berkeley. Patton.
Cousins. Pollard.
Gainer. Purl.
Greer. Rawlings.
Hornsby. Small.
Neal. Thomason.
Oneal. Woodul.

Present—Not Voting.

Hardin.

Absent.

Beck. Loy.
Cunningham. Woodward.

Absent—Excused.

Moore. Russek.
Poage. Woodruff.

The motion to recess until 8:15 p. m., prevailed and at 7:03 o'clock p. m., the Senate recessed.

After Recess.

The Senate met at 8:15 o'clock p. m., pursuant to recess, and was called to order by President Pro Tem Carl Hardin.

Point of No Quorum.

Senator Williamson raised the point of order that a quorum was lacking. The roll call showed 17 present.

On motion of Senator Williamson, a call of the Senate was ordered for the purpose of obtaining and maintaining a quorum.

The quorum was secured at 8:30.

House Bill No. 737.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 737, A bill to be entitled 'An Act amending Article 1019 and Article 1027 of 1925 Code of Criminal Procedure, providing that no costs shall be paid by the State where the defendant is indicted for a felony and his punishment assessed by a fine or imprisonment in jail or convicted of a misdemeanor and that all costs thus incurred shall be taxed and collected as in misdemeanor cases. Also providing that all officers shall return to the State Treasurer a sum of money equal to the amount he received from the State in such cases and their bondsmen shall be liable for such sum, and declaring an emergency.'

The bill was read second time and passed to third reading.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and H. B. 737 was put on its third reading and final passage by the following vote:

Yeas—24.

Beck. Greer.
Berkeley. Hardin.
Cousins. Holbrook.
DeBerry. Hornsby.
Gainer. Loy.

Martin.	Rawlings.
Neal.	Small.
Oneal.	Stevenson.
Parr.	Thomason.
Patton.	Williamson.
Pollard.	Woodul.
Purl.	Woodward.

Absent.

Cunningham.	Parrish.
Hopkins.	Russek.

Absent—Excused.

Moore.	Woodruff.
Poage.	

Read third time and finally passed.

House Bill No. 921.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 921, A bill to be entitled "An Act authorizing and directing the Board of Directors and other managing officers of A. and M. College to create and operate a Fireman's Training School as a part of said College, providing for the creation of a board to advise in the conducting of the same, making an appropriation therefor, and declaring an emergency."

Read second time.

Senator Hardin moved to lay the bill on the table subject to call.

Senator Purl moved to table the motion. The motion to table was lost by the following vote:

Nays—24.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Patton.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Neal.	Woodward.

Absent.

Cunningham.	Parrish.
Hopkins.	Russek.

Absent—Excused.

Moore.	Woodruff.
Poage.	

The motion to lay the bill on the table subject to call prevailed.

Motion to Reconsider.

Senator Martin spread on the Journal a motion to reconsider the vote by which H. B. No. 737 was finally passed.

Senate Bill No. 285.

The Chair laid before the Senate on its second reading the following bill:

By Senator Neal:

S. B. No. 285, A bill to be entitled "An Act to amend Article 2687, R. S. 1925 relating to the compensation to be paid members of the county board of trustees; repealing all laws in conflict herewith, and declaring an emergency."

Senator Neal sent up the following amendment:

Amend S. B. 285, line 21, by striking out all after the words "such meetings" and insert in lieu thereof the following: "out of the available school funds of the county, by warrants drawn on order of the president of the county school board, properly sworn to and approved by the county superintendent of schools."

NEAL.

Read and adopted.

Senator Stevenson sent up the following amendment:

Amend S. B. 285 by inserting: provided this act shall not apply to any counties of the 18th Judicial District.

STEVENSON.

The amendment was read.

Senator Neal moved to table the amendment. The motion prevailed.

Senator Stevenson moved to indefinitely postpone the further consideration of the bill.

Senator Greer moved as a substitute to lay the bill on the table subject to call.

Senator Stevenson raised the point of order that no motion could be substituted for a motion to indefinitely postpone.

The Chair, Senator Berkeley, sustained the point of order.

The motion to indefinitely postpone prevailed by the following vote:

Yeas—13.

Gainer.	Hopkins.
Hardin.	Hornsby.
Holbrook.	Loy.

Martin.	Purl.
Oneal.	Small.
Parr.	Stevenson.
Pollard.	

Nays—8.

Berkeley.	Patton.
Cousins.	Rawlings.
Greer.	Williamson.
Neal.	Woodul.

Absent.

Beck.	Russek.
Cunningham.	Thomason.
DeBerry.	Woodward.
Parrish.	

Absent—Excused.

Moore.	Woodruff.
Poage.	

House Bill No. 1025.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 1025, A bill to be entitled "An Act authorizing and directing the Commissioner of the General Land Office to convey, by proper instrument, all the right, title and interest of the State of Texas in and to four certain described tracts of land situated in Kerr County, Texas, to designated persons, said tracts having heretofore been donated to the State for park purposes, but no improvement made thereon, and reciting a failure of consideration, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Williamson, the constitutional rule requiring bills to be read on three several days was suspended and H. B. 1025 was put on its third reading and final passage by the following vote:

Yeas—24.

Berkeley.	Parr.
Cousins.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Neal.	Woodul.
Oneal.	Woodward.

Absent.

Beck.	Hopkins.
Cunningham.	Russek.

Absent—Excused.

Moore.	Woodruff.
Poage.	

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Patton.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Neal.	Woodward.

Absent.

Cunningham.	Parrish.
DeBerry.	Russek.

Absent—Excused.

Moore.	Woodruff.
Poage.	

H. J. R. No. 21.

The Chair laid before the Senate on its third reading the following bill:

By Strong, et al:

H. J. R. No. 21, A Joint Resolution proposing amendments to Sections 14 and 16, of Article 8, of the Constitution of Texas, combining the offices of Tax Collector and Assessor of Taxes; providing the time and manner thereof; providing for its submission to the voters of the State of Texas, as required by the Constitution, and making an appropriation therefor.

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Hopkins.
Berkeley.	Hornsby.
Cousins.	Loy.
Gainer.	Martin.
Greer.	Neal.
Hardin.	Oneal.
Holbrook.	Parr.

Patton.	Stevenson.
Pollard.	Thomason.
Purl.	Williamson.
Rawlings.	Woodul.
Small.	Woodward.

Absent.

Cunningham.	Parrish.
DeBerry.	Russek.

Absent—Excused.

Moore.	Woodruff.
Poage.	

Senate Bill No. 622.

Senator Small called up from the table S. B. No. 622.

The bill was passed to engrossment.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 622 was put on its third reading and final passage, by the following vote:

Yeas—23.

Beck.	Parr.
Berkeley.	Patton.
Cousins.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodul.
Martin.	Woodward.
Neal.	

Absent.

Cunningham.	Parrish.
DeBerry.	Russek.
Oneal.	

Absent—Excused.

Moore.	Woodruff.
Poage.	

Read third time and finally passed by the following vote:

Yeas—22.

Beck.	Martin.
Berkeley.	Neal.
Cousins.	Parr.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Small.
Hornsby.	Stevenson.

Thomason.	Woodul.
Williamson.	Woodward.

Nays—1.

Loy.

Absent.

Cunningham.	Parrish.
DeBerry.	Russek.
Oneal.	

Absent—Excused.

Moore.	Woodruff.
Poage.	

House Bill No. 1028.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 1028, A bill to be entitled "An Act authorizing the commissioners' courts of counties having not less than 3690 and not more than 4000 inhabitants, according to the last available Federal census, to appropriate and expend a sum not exceeding \$7,500 to be used over a period of five years for exterminating predatory animals, and declaring and emergency."

The bill was read second time and passed to third reading.

On motion of Senator Berkeley the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 1028 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Patton.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Neal.	Woodward.

Absent.

Cunningham.	Parrish.
Hopkins.	Russek.

Absent—Excused.

Moore.	Woodruff.
Poage.	

Read third time and finally passed by the following vote:

Yeas—23.

Beck.	Parr.
Berkeley.	Patton.
Cousins.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Neal.	Woodward.
Oneal.	

Absent.

DeBerry.	Parrish.
Hopkins.	Russek.

Absent—Excused.

Cunningham.	Poage.
Moore.	Woodruff.

Senate Bill No. 440.

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodul:

S. B. No. 440, A bill to be entitled "An Act providing that in every case appealed from the Industrial Accident Board to a District or County Court, the clerk of such Court shall within twenty days after the filing thereof, mail to the Industrial Accident Board a notice of such filing, and shall within twenty days after the judgment is rendered in such suit, mail to the Industrial Accident Board a certified copy thereof; and providing that the attorney preparing judgments in such cases shall file the original and one copy; and providing a penalty for failure to comply with this act."

The bill was read second time and passed to engrossment.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 440 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	Holbrook.
Berkeley.	Hopkins.
Cousins.	Hornsby.
Gainer.	Loy.
Greer.	Martin.
Hardin.	Neal.

Oneal.	Small.
Parr.	Stevenson.
Patton.	Thomason.
Pollard.	Williamson.
Purl.	Woodul.
Rawlings.	Woodward.

Absent.

DeBerry.	Russek.
Parrish.	

Absent—Excused.

Cunningham.	Poage.
Moore.	Woodruff.

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Patton.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Neal.	Woodward.

Absent.

Cunningham.	Parrish.
DeBerry.	Russek.

Absent—Excused.

Moore.	Woodruff.
Poage.	

Senate Bill No. 206.

The Chair laid before the Senate on its second reading the following bill:

By Senator Cousins:

S. B. No. 206, A bill to be entitled "Amending the Revised Civil Statutes of 1925, and providing a period of limitation defining who are trespassers, and creating presumptions, etc."

Read second time.

The committee substitute was adopted.

Senator Oneal sent up the following amendment:

Amend Committee Substitute for Senate Bill No. 206 by striking out of the 4th line of Section 1 (in line 52, page 3 of the printed amendment), the word "twenty" and insert in lieu thereof the word "twe-

ty-five" and insert "twenty-five" for the word "twenty" wherever it occurs.

ONEAL.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Cousins the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 206 was put on its third reading and final passage by the following vote:

Yeas—24.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Patton.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Neal.	Woodward.

Absent.

Cunningham.	Parrish.
DeBerry.	Russek.

Absent—Excused.

Moore.	Woodruff.
Poage.	

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Patton.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Neal.	Woodward.

Absent.

Cunningham.	Parrish.
DeBerry.	Russek.

Absent—Excused.

Moore.	Woodruff.
Poage.	

House Bill No. 120.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 120, A bill to be entitled "An Act to amend Articles 2237, 2238 and 2239 of the 1925 Revised Civil Statutes of Texas, by providing that where the ruling of the court upon an admission of exclusion of evidence is shown by the transcript or statement of facts, and where the objections and exceptions are likewise shown, no formal bill of exception shall be necessary, etc, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Martin the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 120 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Patton.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Neal.	Woodward.

Absent.

Cunningham.	Parrish.
DeBerry.	Russek.

Absent—Excused.

Moore.	Woodruff.
Poage.	

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Martin.
Berkeley.	Neal.
Cousins.	Oneal.
Gainer.	Parr.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Small.
Loy.	Stevenson.

Thomason.
Williamson.

Woodul.
Woodward.

Absent.

Cunningham. Parrish.
DeBerry. Russek.

Absent—Excused.

Moore. Woodruff.
Poage.

House Bill No. 504.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Leonard and Mr. West of Cameron:

H. B. No. 504, A bill to be entitled "An Act to amend Article 3943 of the 1925 Revised Civil Statutes of the State of Texas, which article relates to the fees of office of county treasurers, providing for more adequate compensation for such treasurers in certain counties; providing for assistants for such treasurers; fixing a maximum of compensation for such assistants, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 504 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Patton.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Neal.	Woodward.

Absent.

Cunningham. Parrish.
DeBerry. Russek.

Absent—Excused.

Moore. Woodruff.
Poage.

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Patton.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Neal.	Woodward.

Absent.

Cunningham. Parrish.
DeBerry. Russek.

Absent—Excused.

Moore. Woodruff.
Poage.

House Bill No. 1048.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 1048, A bill to be entitled "An Act authorizing the appointment of an investigator in Tom Green County, Texas, by the District Attorney of the Fifty-first Judicial District; fixing the compensation of such investigator and the amount of expense allowed him, and providing a method for the payment thereof; repealing House Bill No. 43 of the Acts of the Regular Session of the Forty-second Legislature, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 1048 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Patton.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Neal.	Woodward.

Absent.

Cunningham. Parrish.
DeBerry. Russek.

Absent—Excused.

Moore. Woodruff.
Poage.

Read third time and finally passed
by the following vote:

Yeas—24.

Beck. Oneal.
Berkeley. Parr.
Cousins. Patton.
Gainer. Pollard.
Greer. Purl.
Hardin. Rawlings.
Holbrook. Small.
Hopkins. Stevenson.
Hornsby. Thomason.
Loy. Williamson.
Martin. Woodul.
Neal. Woodward.

Absent.

Cunningham. Parrish.
DeBerry. Russek.

Absent—Excused.

Moore. Woodruff.
Poage.

House Bill No. 1022.

The Chair laid before the Senate on
its second reading the following bill:

H. B. No. 1022, A bill to be entitled
"An Act amending Article 879 of the
Penal Code of Texas, 1925, as amended
by Chapter 215, Acts Fortieth Legis-
lature, by amending Article 879a cre-
ated by said Chapter 215, so as to fix
an open season for hunting, taking or
killing wild ducks, wild geese, wild
brandt, wild snipe, wild gallinules, wild
coot or mudhen, conforming to Fed-
eral laws, and declaring an emer-
gency."

The bill was read second time and
passed to third reading.

On motion of Senator Oneal, the
constitutional rule requiring bills to
be read on three several days was sus-
pended and H. B. No. 1022 was put on
its third reading and final passage,
by the following vote:

Yeas—24.

Beck. Gainer.
Berkeley. Greer.
Cousins. Hardin.

Holbrook. Pollard.
Hopkins. Purl.
Hornsby. Rawlings.
Loy. Small.
Martin. Stevenson.
Neal. Thomason.
Oneal. Williamson.
Parr. Woodul.
Patton. Woodward.

Absent.

Cunningham. Parrish.
DeBerry. Russek.

Absent—Excused.

Moore. Woodruff.
Poage.

Read third time and finally passed by
the following vote:

Yeas—24.

Beck. Oneal.
Berkeley. Parr.
Cousins. Patton.
Gainer. Pollard.
Greer. Purl.
Hardin. Rawlings.
Holbrook. Small.
Hopkins. Stevenson.
Hornsby. Thomason.
Loy. Williamson.
Martin. Woodul.
Neal. Woodward.

Absent.

Cunningham. Parrish.
DeBerry. Russek.

Absent—Excused.

Moore. Woodruff.
Poage.

House Bill No. 440.

The Chair laid before the Senate on
its second reading the following bill:

By Mr. Van Zandt:

H. B. No. 440, A bill to be entitled
"An Act to amend Article 7272, of
Chapter 8, Title 122, of the Revised
Civil Statutes of 1925, relating to lia-
bility of property for taxes so as to
provide that a person may pay on a
part of the property assessed without
being required to pay on all of the
property assessed; repealing all laws
and parts of laws in conflict herewith,
and declaring an emergency."

The bill was read second time and
passed to third reading.

On motion of Senator Loy, the con-

stitutional rule requiring bills to be read on three several days was suspended and H. B. No. 440 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Patton.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Neal.	Woodward.

Absent.

Cunningham.	Parrish.
DeBerry.	Russek.

Absent—Excused.

Moore.	Woodruff.
Poage.	

Read third time and finally passed.

Senate Bill No. 618.

The Chair laid before the Senate on its second reading the following bill:

By Senator Purl:

S. B. No. 618, A bill to be entitled "An Act to amend Article 1641 by adding thereto another section, to be known as Article 1641-A, providing for the making of audits of counties of a certain population by Grand Juries and the State Auditor; providing generally the means and manner thereof; and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Purl, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 618 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	Martin.
Berkeley.	Neal.
Cousins.	Oneal.
Gainer.	Parr.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Small.
Loy.	Stevenson.

Thomason.	Woodul.
Williamson.	Woodward.

Absent.

Cunningham.	Parrish.
DeBerry.	Russek.

Absent—Excused.

Moore.	Woodruff.
Poage.	

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Patton.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Neal.	Woodward.

Absent.

Cunningham.	Parrish.
DeBerry.	Russek.

Absent—Excused.

Moore.	Woodruff.
Poage.	

Senate Bill No. 412.

The Chair laid before the Senate on its second reading the following bill:

By Senator Hornsby:

S. B. No. 412, A bill to be entitled "An Act amending Article 133 of the Revised Civil Statutes, 1925, raising the minimum and maximum amount of nursery inspection fees; providing that such fees collected by the Commissioner of Agriculture be paid to the State Treasurer; providing that such fees paid to the State Treasurer be credited to "Special Nursery Inspection Fund"; etc.

Read second time and passed to engrossment.

House Bill No. 251.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 251, A bill to be entitled "An Act to amend Article 7047, Revised Civil Statutes of the State of Texas, 1925, providing for the levy of occupation taxes on, and the collection

from persons, firms, associations and companies pursuing the several occupations enumerated herein; repealing all laws and parts of laws in conflict herewith; providing that if any subdivision or part of this Act may be declared invalid for any reason it shall not affect any other section, subdivision or part of this Act, and declaring an emergency."

Read second time.

Senator Small sent up the following amendment:

Amendment No. 1.

Amend H. B. No. 251 by striking out all below the enacting clause and by substituting in lieu thereof the following:

"Section 1. That Subdivisions 4, 6, 7, 8, 9, 10, 12, 15, 23, 24, 25, 26, 27, 31, 32, 35 and 37, of Article 7047, of the Revised Civil Statutes of 1925, be amended so as to hereafter read as follows, and that Subdivisions 40, 41 and 42 be added thereto, so that said subdivisions shall hereafter read as follows:

"Subdivision 4. (a) There shall be collected from peddlers an occupation or license tax from each according to the population of the counties in which he peddles, according to the last Federal Census, as follows:

From foot peddlers, which shall include those on horseback; animal drawn vehicles, which shall include all vehicles except motor vehicles; from peddlers on or from motor vehicles, the following tax:

Population	Animal Motor		
	Foot	Vehicle	Vehicle
1-30,000	\$ 5.00	\$ 7.50	\$10.00
30,001-100,000	10.00	17.50	35.00
100,001 and over	15.00	22.50	45.00

(b) Every peddler defined above shall pay said tax annually on or before September 1st of each year to the Tax Collector of each County in which he peddles, and a receipt shall be issued therefor, and said in the same manner that license plates are issued for motor vehicles and the same fees of office shall be allowed said Collector; which said plate shall be securely fastened to said peddler's vehicle, on the driver's side. A separate tax shall be paid for each vehicle or instrumentality defined above which said peddler operates and peddles from, and the Comptroller shall adopt rules and

regulations for the enforcement hereof. Nothing herein shall be construed to inhibit any city or town regulating, licensing or taxing peddlers.

(c) The term 'peddler' as used herein means an itinerant trader or peddler in town or in country who carries his merchandise or commodities with him from place to place or from house to house, exposing his or his principal's goods or wares for sale, and who then and there sells and delivers them to other persons or dealers; provided, however, that the term 'peddler' shall not be held to include:

(1) Producers and growers of farm, dairy, poultry, poultry products, fruits, vegetables, live stock, animals, meats, or any horticultural or agricultural products, or,

(2) Persons who sell any of the products mentioned in the section immediately preceding to manufacturers, processors, or curing or dressing plants, or,

(3) Peddlers of literature, newspapers and periodicals, or,

(4) Manufacturers selling products manufactured by them.

(d) If any peddler shall:

(1) Knowingly sell any goods or products which are deteriorated, contaminated, infected, or otherwise unfit for human consumption or use, if the same be a food product, or otherwise unfit for the purpose for which the same is sold, or,

(2) Sell any goods or products of less weight than the same are represented to be, or that are paid for, or, which have been stolen, or,

(3) Be convicted during any year of twice violating any ordinance or State law regulating the operation or use of any such vehicle upon the highways of this State, or the violation of any health or sanitary ordinance or statute in peddling or,

(4) Knowingly give a worthless check to or otherwise swindle any farmer or other producer or person from whom be purchases, and the giving of any worthless check shall be prima facie evidence of his knowledge of the worthlessness thereof, the license of said peddler shall be forfeited upon ten (10) days' written notice by registered mail to the address given by said peddler by the Comptroller, or County Tax Collector, upon a hearing whereat it is proven

that it is established that said peddler has violated any one of the foregoing provisions; provided that said forfeiture shall not become effective until three (3) days after notice by said Collector that the same will be forfeited, and, if the same is sought to be wrongfully forfeited, the same may be enjoined by a competent court of equity, and said license or tax receipt and plate shall be surrendered, or re-possest by any peace officer or patrolman. The County and District Attorney shall enforce the provisions hereof. The sum of \$2500.00, or so much as is necessary, is hereby appropriated out of said funds to the Comptroller for plates, stationery, and other necessary expenses.

(e) If any person for himself or as representative or agent of another shall act as a peddler, as defined herein, without having valid license and having paid the tax as provided herein, he shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not exceeding One Hundred (\$100.00) Dollars, or by confinement in the county jail not exceeding thirty (30) days, or by both such fine and imprisonment, and the County or District Attorney, or Attorney General, may enjoin any such person from peddling in violation of the provisions hereof."

"6. Auctioneers.—From every auctioneer, an annual tax of Fifty (\$50.00) Dollars.

"7. Brokers.—Stocks and Bonds.—From every person, firm, association or persons, or corporations, dealing in bonds, the sum of Fifty (\$50.00) Dollars for each town or city in which such person, firm, association or corporation maintains an office. For the purpose of this Act, every person, firm, association of persons, or corporation whose business it is to negotiate purchases or sales of stocks, bonds, exchange, bullion, coin, money, bank notes, promissory notes, produce or merchandise, or anything else for sale, for others, shall be regarded as a broker.

"8. Brokers—Cotton and Cotton Factors.—From every person, firm, association of persons, or corporation following the business or occupation of a cotton broker and/or cotton factor, an annual tax of Fifteen (\$15.00) Dollars in all towns or

cities whose population does not exceed twenty-five thousand (25,000) inhabitants; and in all cities whose population exceed twenty-five thousand (25,000) inhabitants, an annual tax of Twenty-five (\$25.00) Dollars.

"12. Brokers—Merchandise and Commission Merchants.—From every person, firm, association of persons, or corporation, following the business or occupation of merchandise broker and/or commission merchant, either at wholesale or retail, in cities or towns of twenty-five thousand (25,000) or less population, an annual tax of Fifteen (\$15.00) Dollars; and in cities of more than twenty-five thousand (25,000) population an annual tax of Twenty-five (\$25.00) Dollars. A commission merchant in the meaning of this Act is every person, firm, association of persons, or corporation, receiving country produce, horses, cattle, sheep, hogs, grain, corn, hay, lumber, shingles, wood, coal, goods, wares and merchandise, or anything else for sale, to be accounted for to the owner when sold and charging a commission therefor. The provision of this Section shall not be construed as taxing traveling salesmen.

"9. Ship brokers.—Every person, firm, association of persons or corporation engaged in the management of business matters occurring between the owners of vessels and the shippers, or consignors of the freight which they carry, shall be deemed a ship broker for the purpose of this Act. Every ship broker shall pay an annual tax of Twenty-five (\$25.00) Dollars.

"10. (a) Insurance Adjusters.—From every insurance adjuster, who adjusts insurance losses, whether employed by an insurance company, or companies, or by an adjustment bureau, or by the insured whether a member of a firm, association of persons, or whether an agent or officer of such firm, association, or of any corporation, whether the charge therefor be paid by the insured or the insurer, and annual tax of Fifty (\$50.00) Dollars.

(b) General and Special Agents.—From each and every person acting as a general or special agent of every insurance company that may transact any insurance business in this State, and annual occupation tax of Twenty-five (\$25.00) Dollars. By

'general agent' as used herein, is meant any person, whether a member of a firm or association, or as representative or employee, who may exercise a general supervision over the business of any insurance company in this State, or over local agencies of such insurance companies, or any person supervising such business, or any part thereof, as contradistinguished from a local agent or local agency. By 'special agent' as used herein, is meant any person, whether a member of a firm or association, or as representative or employee, who may exercise supervision in any executive capacity, other than of an officer of such company, over the business of any insurance company in this State, or over the adjustment of losses or the placing of risks. But one payment of the annual occupation tax herein imposed shall be required of any one person under this subdivision.

"15. Money Lenders. — From every person, firm, association of persons, or corporation whose business is lending money as agent or agents for any corporation, firm or association, either in this State or out of it, an annual tax of One Hundred Fifty (\$150.00) Dollars. Provided, that if an office is maintained in more than one county, the State tax shall be payable in each county where an office is maintained; and, provided, further, that this Tax shall not apply to persons, firms, or associations who lend money as an incident merely to the real estate business, nor shall said tax apply to banks, or banking institutions regularly organized as such.

"24. Circus and Shows.—From every person, firm, association of persons or corporation exhibiting performances such as a circus, menagerie, wild west show, dog and/or pony show wherein broncho busting, rough riding, equestrian or acrobatic feats are performed, or any other show, exhibition or performance similar thereto, or any combination of any of the foregoing, for which admission fee is demanded or received for each day or part thereof on which performances or exhibitions are given, the following amount, respectively:

"(a) Where such shows and/or exhibitions travel on railroads and require transportation of:

	Each day.
Not more than two (2) cars..	\$ 25.00
Three (3) to five (5) cars, inclusive	40.00
Six (6) to ten (10) cars, inclusive	55.00
Eleven (11) to twenty (20) cars, inclusive	75.00
Twenty-one (21) to thirty (30) cars, inclusive	100.00
Thirty-one (31) cars and over	225.00
"(b) Where such shows and/or exhibitions travel by automobile trucks, or other conveyances, and require transportation of:	

	Each day.
Not over two (2) loads	\$10.00
Three (3) to five (5) loads, inclusive.	15.00
Six (6) to ten (10) loads, inclusive	20.00
Eleven (11) to twenty (20) loads, inclusive	25.00
Twenty-one (21) to thirty-five (35) loads, inclusive	35.00
Thirty-six (36) to fifty (50) loads, inclusive	50.00
Over fifty (50) loads, per load in excess thereof	2.00

Every show or exhibition which advertises itself as being any of those described in this Section shall be held to be such for the purpose of levying and collecting the occupation tax herein provided.

"25. (a) Menageries, Museum.—From every menagerie, waxworks, sideshow, or exhibition connected with or exhibiting or showing in connection with a circus where a separate fee for admission is demanded or received Ten (\$10.00) Dollars for every day in which fees for admission are received; provided, that from any museum, menagerie, or zoological exhibition or combination thereof operated and maintained in any city or town and open for admission all day continuously, in which a charge for admission is demanded or received, an annual tax of Fifty (\$50.00) Dollars.

(b) Carnivals.—From every carnival, an annual tax of One Hundred (\$100.00) Dollars, which State Tax shall be due and payable in each and every county in which such carnival shows or exhibits.

"26. Waxworks, etc.—From every menagerie, waxworks exhibition, exhibit or display of any kind where

a separate fee for admission is demanded or received, not connected with a theatre or circus, Two (\$2.00) Dollars for every day on which fees for such admission are received.

"27. Wrestling Matches and Acrobatic Performances.—From every exhibition of a wrestling match or matches and every exhibition where other acrobatic feats are performed and an admission fee is charged or received, not connected with a circus and an admission fee is charged or or theatre, Ten (\$10.00) Dollars for each performance.

"31. Rodeos.—From every rodeo exhibition wherein broncho busting, rough riding, equestrian, acrobatic feats and roping contests are performed or exhibited for which an admission fee is charged or received, a tax of Ten (\$10.00) Dollars for each day or part thereof such rodeo is held or exhibited. This shall not apply to rodeos owned by private individuals and used only for training purposes in connection with agriculture fairs and exhibitions.

"23 Coin Operated Vending Machines.— From every owner, manager, or exhibitor of every coin operated phonograph, electrical piano, electrical battery, graphophone, weighing machines, target pistol, miniature golf machine, miniature football machine, miniature baseball machine, miniature race track, stereoscopic machine, gum machine, candy machine, cigarette machine, handkerchief machine, sandwich machine, or any other class or kind of machine, whether enumerated or not, where a fee is charged, which is used for the purpose of amusement, entertainment or for vending commodities, merchandise, confections, or service of any kind and which is operated by coins or metal slugs or tokens similar to coins, where such fee is in excess of Five (5) Cents, an annual tax of Ten (\$10.00) Dollars, on each machine; where such fee is Five (5) Cents, an annual tax of Five (\$5.00) Dollars, on each machine; and where such fee is One (1) Cent, an annual occupation tax of One (\$1.00) Dollar for each machine; provided that the provisions of this subdivision shall not apply to pay telephones and gas meters which are operated with coins. It shall be unlawful to operate, show or exhibit any of the ma-

chines or instruments covered by this subdivision without having annexed or attached thereto where same is plainly visible, the tax receipt covering such machine or instrument for the current year for which same is operated, shown or exhibited.

"32. Baseball Parks. From every owner or lessee of a baseball park where admission fees are charged in cities or towns of less than ten thousand (10,000) inhabitants, or within five (5) miles thereof, an annual tax of Ten (\$10.00) Dollars; in cities or towns of ten thousand (10,000) and less than twenty-five thousand (25,000) inhabitants, or within five (5) miles thereof, an annual tax of Twenty-five (\$25.00) Dollars; in cities or towns of twenty-five thousand (25,000) inhabitants and less than fifty thousand (50,000) or within five (5) miles thereof, an annual tax of Fifty (\$50.00) Dollars; in cities or towns of fifty thousand (50,000) inhabitants, or more, or within five (5) miles of any such city or town, an annual tax of One Hundred (\$100.00) Dollars; provided, that this schedule shall not apply to baseball parks owned or maintained in good faith by educational institutions located in this State.

"35. Shooting Gallery. From every person, firm association of persons or corporation keeping a shooting gallery at which a fee is paid or demanded, an annual tax of Thirty (\$30.00) Dollars.

"37. (a) Hobby Horses, etc. From all persons keeping or using for profit any hobby horse, flying jenny, or other device of that character, with or without name, an annual tax of Twenty-five (\$25.00) Dollars.

(b) From every person, firm, association or corporation engaged in the occupation of collecting any charge, license fee, fare, rate or royalty on any record, composition, sheet music, musical composition, production or publication, or performing any composition by or through any radio distribution, or reception where such radio distribution or reception is charged for on a basis of distribution or reception within this State, or where a copy of such record, composition, production or publication has been sold at retail to any person from whom such

a charge, license fee, fare, rate or royalty on any record, composition, a sum equivalent to twenty-five (25%) per cent of the amount of the charge, license fee, fare, or rate or royalty so collected and counties and incorporated cities or towns in which such payer resides shall have the power to levy a tax of one-half the amount herein provided in addition to the above tax.

"40. All receipts issued to cover payment of occupation taxes herein provided, where issued to cover a place of business, shall be kept posted by the person to whom issued in a conspicuous place in said place of business so as to be subject to inspection at all times by State and County authorities. Those receipts issued to cover coin-operated vending machines or instruments shall be kept on, annexed or attached to such machines or instruments.

"41. Whoever shall pursue or follow any occupation, calling or profession or do any act taxed by law, or exhibit any machine or instrument, for which a tax is required to be paid, without exhibiting and displaying the tax receipt issued to him in the manner provided in this Act shall be guilty of a misdemeanor and upon conviction, fined in any sum not exceeding Fifty (\$50.00) Dollars.

"42. If any person licensed under this Act shall purchase from any farmer or other producer of any of the commodities or other country produce described in Subdivision 4, Section 1, hereof, and give in payment thereof a check or draft or other written order intended to be in payment of any such commodities, which said check, draft, or written order intended to be in payment of any of such commodities is not promptly paid on presentation thereof in due course, the giver thereof shall forfeit the license as provided for herein and shall not be entitled to receive another license for one year after the giving of such check, draft, or other written order intended to be in payment of such commodities.

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. In the event any section, subdivision, or part of this Act shall

be declared invalid or unconstitutional for any reason, it shall not affect or invalidate any other part of the Act.

Sec. 4. The fact that some sections of our present occupation tax laws contain errors, and some are vague and indefinite, and that there is need that certain sections and parts of the occupation tax laws be properly defined and clarified, and that the antiquated sections be reformed to the end that proper levy of taxes be made and collections be properly enforced, and the fact that itinerant peddlers, many of whom are non-residents of this State, are establishing themselves in direct competition to local merchants, farmers, and producers who pay and who warrant their goods and products, whereas, such peddlers pay no taxes and are usually transients who sell an inferior quality of fruits and other products to the consumer or retailer, whereas, no recourse may be held by such person upon whom the fraud is perpetuated; the fact that many peddlers are swindling farmers and other innocent persons by giving worthless checks for such goods and products; the fact that such professional peddlers are constantly violating traffic regulations, fire regulations, and sanitary regulations; the fact that the present regulation of peddlers is obsolete, and the fact that the Federal Government regulates other peddlers similar to those attempted to be regulated by this bill creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

Small, Hornsby, Williamson, Gainor, Stevenson, Woodul, Woodward.

Senator DeBerry moved to set this bill as special order tomorrow morning.

Recess.

On motion of Senator Woodul, the Senate, at 10:07 o'clock p. m., recessed until 10 o'clock tomorrow morning.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, May 15, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 50 carefully examined and compared and find same correctly enrolled.
GREER, Chairman.

Committee Room,
Austin, Texas, May 15, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 512 carefully examined and compared and find same correctly enrolled.
GREER, Chairman.

Committee Room,
Austin, Texas, May 15, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 93 carefully examined and compared and find same correctly enrolled.
GREER, Chairman.

Committee Room,
Austin, Texas, May 15, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 510 carefully examined and compared and find same correctly enrolled.
GREER, Chairman.

Committee Room,
Austin, Texas, May 15, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 619 carefully examined and compared and find same correctly enrolled.
GREER, Chairman.

Committee Room,
Austin, Texas, May 15, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 106 carefully examined and compared and find same correctly enrolled.
GREER, Chairman.

Committee Room,
Austin, Texas, May 15, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 149 carefully examined and compared and find same correctly enrolled.
GREER, Chairman.

Committee Room,
Austin, Texas, May 15, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 568 carefully examined and compared and find same correctly enrolled.
GREER, Chairman.

Committee Room,
Austin, Texas, May 15, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 532 carefully examined and compared and find same correctly enrolled.
GREER, Chairman.

Committee Room,
Austin, Texas, May 15, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 38 carefully examined and compared and find same correctly enrolled.
GREER, Chairman.

Committee Room,
Austin, Texas, May 15, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 624 carefully examined and compared and find same correctly enrolled.
GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, May 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 476 carefully examined and compared and find same correctly engrossed.
HARDIN, Chairman

Committee Room,
Austin, Texas, May 15, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 627 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, May 15, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 1054, A bill to be entitled "An Act to amend Chapter 18, Title 49, Civil Statutes of Texas 1925, by adding a new Article to be known as Article 2892a providing for the compulsory school attendance for the school term of children between the ages of seven and fifteen inclusive in counties of a population of not less than three hundred twenty five thousand (325,000) and not more than three hundred twenty six thousand (326,000) population according to the preceding Federal Census.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, May 15, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 1046, A bill to be entitled "An Act providing for the employment of rural school supervisors in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisors; prescribing salaries to be paid such supervisors; providing other things incidental to the purpose of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, May 15, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Coun-

ties and County Boundaries, to whom was referred

H. B. No. 504, A bill to be entitled "An Act to amend Article 3943 of the 1925 Revised Civil Statutes of the State of Texas, which Article relates to the fees of office of county treasurers, providing for more adequate compensation for such treasurers in certain counties, providing for assistants for such treasurers, fixing a maximum of compensation for such assistants, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PARR, Vice Chairman.

Committee Room,
Austin, Texas, May 15, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 626, A bill to be entitled "An Act making an emergency appropriation out of any money in the State Treasury not otherwise appropriated to supplement appropriations heretofore made for the Judiciary Division of the State Comptroller's Department for the balance of the fiscal year ending August 31, 1931, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BECK, Chairman.

Committee Room;
Austin, Texas, May 15, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. C. R. No. 150,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BECK, Chairman.

Committee Room,
Austin, Texas, May 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 261, A bill to be entitled

"An Act imposing an occupation tax upon wholesalers, as defined herein; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,
Austin, Texas, May 14, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 836, A bill to be entitled "An Act to amend Section 1 and Section 3 of Chapter 268 of the General Laws of the 40th Legislature, Regular Session, as follows; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,
Austin, Texas, May 15, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 29, A bill to be entitled "An Act appropriating Fifteen Hundred Dollars (\$1,500.00) to be applied upon the purchase of a statue to be placed upon the Fort Parker Monument, when a like sum is raised by public subscription; appointing Commissioners to purchase said statue and use said funds therefor, and to withdraw such appropriation upon their affidavits of the collection of such like sum by public subscription; providing for selection of successors, in case of necessity, of such Commissioners, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

BECK, Chairman.

By Cox of Limestone. H. B. No. 29.

A BILL

To Be Entitled

An Act appropriating Fifteen Hundred Dollars (1500.00) to be applied upon the purchase of a statue to be placed upon the Fort Parker Monument, when a like

sum is raised by public subscription; appointing Commissioners to purchase said statue and use said funds therefor, and to withdraw such appropriation upon their affidavits of the collection of such like sum by public subscription; providing for selection of successors, in case of necessity, of such Commissioners, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the sum of Fifteen Hundred Dollars (\$1500.00) be and the same is hereby appropriated from any unappropriated funds of the State, to be applied to procuring and erecting a suitable statue upon the Fort Parker Monument, heretofore erected in memory of the martyrs of the Fort Parker massacre, near Groesbeck, in Limestone County, which monument was erected by the appropriation of Twenty-five Hundred Dollars (\$2500.00) by the Legislature of Texas, and a like sum raised by public subscription.

Sec. 2. That Mrs. J. C. Sanders, Mrs. S. H. Bates, and C. S. Bradley, all of Groesbeck, Texas, be and they are hereby constituted Commissioners to use said funds and to select a suitable statue to be placed upon said monument, to cost not less than Three Thousand Dollars (\$3,000.00).

Sec. 3. That upon presenting their affidavits showing that the sum of Fifteen Hundred Dollars (\$1500.00) has been raised by private subscription for the purpose of paying one-half ($\frac{1}{2}$) of the cost of said statue and that such sum is in their hands, said Commissioner shall be authorized to collect the said sum of Fifteen Hundred Dollars (\$1500.00) from the State, and the State Treasurer, be, and he is hereby authorized, empowered and directed to issue a warrant for such sum, payable to said Commissioners upon such proof.

Sec. 4. That if either of said Commissioners should die or fail or become unable to act, the other two Commissioners shall have the right and power to select a successor to such one, and this power shall exist as often as necessity may arise for its exercise.

Sec. 5. That the crowded condition of the calendar and the fact that the interested parties are very anxious to complete said monument

while a suitable statue may be had, creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule requiring bills to be read on three several days, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, May 15, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 628, A bill to be entitled "An Act to amend Article 602 of the Penal Code, as amended, making it an offense for any husband to wilfully desert, neglect or refuse to provide for the support and maintenance of his wife, who may be in necessitous circumstances; or any parent who shall wilfully desert, neglect or refuse to provide for the support and maintenance of any child, under a certain age; prescribing fines, penalties and punishment; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

SMALL, Chairman.

By Williamson. S. B. No. 628.

A BILL

To Be Entitled

An Act to amend Article 602 of the Penal Code, as amended, making it an offense for any husband to wilfully desert, neglect or refuse to provide for the support and maintenance of his wife, who may be in necessitous circumstances, or any parent who shall wilfully desert, neglect, or refuse to provide for the support and maintenance of any child, under a certain age; prescribing fines, penalties, and punishment; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 602 of the Penal Code of Texas, 1925 Revision, as amended, be and the same is hereby amended so as to hereafter read as follows:

"Art. 602. Desertion of wife or child.—Any husband who shall wil-

fully desert, neglect or refuse to provide for the support and maintenance of his wife who may be in necessitous circumstances, or any parent who shall wilfully desert, neglect or refuse to provide for the support and maintenance of his or her child or children under sixteen years, shall be confined in the penitentiary for not more than two years, or be confined in jail for not more than six months, or fined not less than twenty-five nor more than Five Hundred Dollars, or be punished by both such fine and imprisonment in jail."

Sec. 2. The fact that the Court of Criminal Appeals has just declared Article 602 P. C. unconstitutional, in that when the same was amended the caption was not broad enough to cover the Act, and the fact that said law has done much to prevent wife and child desertion, and that there is a request from District Attorneys and Judges over the State that said defect be cured, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and that this Act take effect and be in force from and after its passage, and said Rule is hereby suspended, and it is so enacted.

Committee Room,
Austin, Texas, May 15, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 539, A bill to be entitled "An Act requiring the Commissioner of Agriculture to gather, compile, and disseminate statistical information relating to farm areas, crop acreages, natural resources, and products thereof; providing that tax assessors collect such information under direction of Commissioner of Agriculture; providing that the Commissioner of Agriculture furnish blanks to assessors and the time to furnish; providing the duties of the assessor and his deputies; providing for time of annual gathering of such statistics, and return of same with unused blanks; providing for compensation of assessor; providing penalties for incorrect information; providing penalties for failure of tax assessor to perform duties wholly or in part; providing cooperation of Commissioner of Agriculture with Fed-

eral Department of Agriculture; providing an appropriation of Five Thousand Dollars (\$5,000.00); providing the holding of one Section or provision of this Act unconstitutional shall not validate any other Section or provision; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

BECK, Chairman.

By Westbrook, et al. H. B. No. 539.

A BILL

To Be Entitled

An Act requiring the Commissioner of Agriculture to gather, compile, and disseminate statistical information relating to farm areas, crop acreages, natural resources, and products thereof; providing that Tax Assessors collect such information under direction of Commissioner of Agriculture; providing that the Commissioner of Agriculture furnish blanks to Assessors and the time to furnish; providing the duties of the Assessor and his Deputies; providing for time of annual gathering of such statistics, and return of same with unused blanks; providing for compensation of Assessor; providing penalties for incorrect information; providing penalties for failure of Tax Assessor to perform duties wholly or in part; providing cooperation of Commissioner of Agriculture with Federal Department of Agriculture; providing an appropriation of Five Thousand Dollars (\$5,000.00); providing the holding of one Section or provision of this Act unconstitutional shall not invalidate any other Section or provision; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. From and after the passage of this Act, it shall be the duty of the Commissioner of Agriculture to gather, compile, and disseminate statistical information relating to farm areas, crop acreages, natural resources and products thereof in such form and under such rules and regulations as he may pre-

scribe not inconsistent with the provisions of this Act.

Sec. 2. It shall be the duty of each County Tax Assessor to collect annually all information referred to in Section 1 of this Act, in such form as may be called for by the Commissioner of Agriculture.

Sec. 3. The Commissioner of Agriculture shall furnish to each Tax Assessor within this State on or before December 1, 1931, and annually thereafter not later than December 1st, such blanks and instructions as may be necessary in the collection of said statistical information referred to in Section 1 of this Act.

Sec. 4. Each Assessor or his Deputies shall gather the statistics mentioned in Section 1 of this Act by a personal interview with the owner or operator of each farm or with his manager or agent if any can be found; if not, then he shall obtain such information from the most reliable source available.

Sec. 5. The annual enumeration of the statistics, referred to in Section 1 of this Act, shall be made at the time the general assessment for taxes is being made, and the original enumeration together with all unused portions of blanks or books furnished by the Commissioner of Agriculture shall be returned to the Commissioner of Agriculture not later than June 1st. The Commissioner of Agriculture upon receipt of such books shall immediately compile or cause to be compiled and disseminate such information by counties and for the State.

Sec. 6. Any person, firm, or corporation who shall furnish an Assessor or his Deputies any information knowing the same to be incorrect, or any person, firm, or corporation who shall refuse to furnish information shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than Twenty-five Dollars (\$25.00), and not more than One Hundred Dollars (\$100.00).

Sec. 7. Any Assessor who shall fail or refuse to perform wholly or in part the services required by this Act, on the rules and regulations of the Commissioner of Agriculture, shall not be paid by the State of Texas for any work done in connection therewith, and shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum of not less than Fifty Dollars (\$50.00), and not

more than Two Hundred Fifty Dollars (\$250.00).

Sec. 8. Any Assessor who shall fail or refuse to perform wholly or in part the services required by this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

Sec. 9. Cooperation with Federal Government. The Commissioner of Agriculture is authorized by this Act to enter into an agreement with the United States Department of Agriculture for cooperative work in the collection, publications, and dissemination of agricultural statistics.

Sec. 10. There is hereby appropriated out of the General Revenues of this State not otherwise appropriated the sum of Five Thousand Dollars (\$5,000.00) per annum for the fiscal year ending August 31, 1932, and Five Thousand Dollars (\$5,000.00) for the fiscal year ending August 31, 1933, or so much thereof as may be necessary to carry out the provisions of this Act. The State Comptroller is hereby directed to draw warrants on the State Treasurer for the purpose specified in this Act, or so much thereof as is necessary out of the said appropriation, provided that no account shall be paid unless itemized and verified by affidavit showing the same is true and correct.

Sec. 11. Each Section of this Act, and every provision of each Section, is hereby declared to be an independent Section or provision, and if any Section or provisions shall be held void by any Court of competent jurisdiction for any reason whatsoever, it shall not operate to void or vitiate any other Section or provision of this Act.

Sec. 12. The fact that there is no law in this State requiring the gathering of statistical information relating to farm areas, crop acreages, natural resources, and products thereof, and the further fact that this information is of vital importance to all farmers and business interests, and the fact that their agencies are demanding such information, creates an emergency and an imperative and public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and be it so enacted.

Committee Room,

Austin, Texas, May 15, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1034, A bill to be entitled "An Act authorizing the State Comptroller of Public Accounts and the State Treasurer to cancel off their books outstanding and unpaid warrants issued prior to September 1, 1927, and directing the method of payment of same and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

BECK, Chairman.

By Sanders.

H. B. No. 1034.

A BILL To Be Intituled

An Act authorizing the State Comptroller of Public Accounts and the State Treasurer to cancel off their books outstanding and unpaid warrants issued prior to September 1, 1927, and directing the method of payment of same and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The State Comptroller of Public Accounts and the State Treasurer are hereby authorized and directed to cancel off their books all general or special warrants drawn by the State Comptroller of Public Accounts against the State Treasurer and issued prior to September 1, 1927, and which remain outstanding and unpaid. The monies heretofore appropriated and set aside for payment of such warrants shall revert to the respective special or general funds out of which said appropriations were made. No such warrants or claims based thereon shall hereafter be payable out of the State Treasury unless same shall be authorized by the Legislature and an appropriation made for that purpose.

Sec. 2. The crowded condition of the calendar and the fact that there is now no law authorizing the cancellation of unpaid outstanding warrants create an emergency and an imperative public-necessity that the Constitutional Rule requiring bills to be read on

three several days in each House be suspended and said Rule is hereby suspended and this Act shall take effect and be in force from and after its passage.

Proposed Amendment to H. B. 358.

(Ordered, printed in the Journal on motion of Senator Small.)

Amend House Bill No. 358 by striking out all below the enacting clause, and inserting in lieu thereof the following:

Section 1. All lands heretofore set apart to the public free school funds under the constitution and laws of Texas, and all of the unappropriated and unsold public domain remaining in this State of whatever character, except river beds and channels, and islands, lakes and bays and other areas within tide water limits, are subject to control and sale under the provisions of this Act.

Sec. 2. Surveyed public free school land may be sold by the Commissioner on the first day of any month to the person offering the highest price for it after the same has been advertised for sale in accordance with this Act and the provisions of subdivision 2 of Chapter 3, Title 86, Revised Civil Statutes, 1925, relating to school land, provided that all such land within five miles of a well producing oil or gas in commercial quantities shall be subject to lease only, and the surface rights shall not be sold.

Sec. 3. Surveyed land within the terms of this Act is defined to be all tracts or parts of tracts heretofore surveyed either on the ground or by protraction, and set apart for the public school funds and which is unsold, and for which field notes are on file in the General Land Office or which may be delineated on the maps of said Office as such, and unsurveyed land is defined to be all areas not included in surveys on file in the General Land Office or surveys delineated on the maps thereof.

Sec. 4. All land shall be sold without condition of settlement and with a reservation of one-sixteenth (1/16) of all minerals, as a free royalty to the State, which two conditions shall be expressed in the application to purchase and in the notice of award, the minimum price to be fixed by the Commissioner and

in no case to be less than One Dollar (\$1.00) an acre.

Sec. 5. Any headright survey, homestead donation, pre-emption survey, script survey or other survey heretofore awarded or sold, which survey has been held and claimed in good faith by any party for a period of ten years prior to the date of application for patent and which surveys cannot be patented under existing laws, may be patented on payment of one dollar an acre to the Land Commissioner. In such cases the patent shall be issued to the owner now of record in the General Land Office and insure distributively to the true and lawful owners of the land, provided that in all cases where a tract of school land has been occupied by mistake as a part of another tract, such occupant shall have a preference right for a period of six months after the discovery of the mistake, or after the passage of this Act, to purchase the land at the same price paid or contracted to be paid for the land actually conveyed to him.

Sec. 6. Any one desiring to buy any of the unsurveyed land included in this Act not situated within five miles of a producing oil or gas well shall file with the county surveyor of the county in which the land may be situated, an application for survey describing the land in such manner as will enable the surveyor to identify it and pay the surveyor a fee of one dollar for filing and recording said application and also deposit with him such sum of money as will pay for citing the claimant or claimants of the land, if any, and the adjoining owners as the tax rolls may disclose the names of such claimants or adjoining owners. The surveyor using the forms prescribed by the General Land Office, shall immediately send by registered mail or hand to each claimant or adjoining owner a citation containing a description of the land sought to be surveyed and fix a date for survey. The survey shall be made and the field notes filed in the Land Office within one hundred and twenty days from the filing of the application with the surveyor. If the area is found by the Commission to be unsurveyed and subject to sale, he shall value the land and give notice of the valuation to the applicant who may purchase the land on the same terms and con-

ditions as prescribed by the law and the regulations for the sale of surveyed land; provided, if the area should be in the enclosure of another person claiming it in good faith, or occupied as a home by another, such holder or occupant shall have a preference right for a period of sixty days after service of citation to have the land surveyed on his own application to the surveyor and on the return of the sum advanced by the first applicant for citation, and thereupon fix his right to purchase as herein provided, and in cases where a survey has been made in accordance with Article 5323 Revised Civil Statutes of 1925, and the field notes returned to the Land Office prior to August 10, 1929, the Commissioner is authorized and required to examine the field notes and if found to be correct and the land subject to sale, he shall value the same and give notice of such valuation to the applicant, and in cases where the field notes had been approved and the land valued and the applicant failed to file his application in the Land Office prior to August 10, 1929, he may do so within ninety days from the passage of this Act and receive an award. All applications to purchase, except where otherwise provided, must be filed in the General Land Office within sixty days from the date of the notice of valuation. All applications filed with the Land Commissioner subsequent to June 1, 1927, and prior to October 10, 1929, expressing a desire to purchase unsurveyed public school land, where the official map of the Land Office shows the area applied for not to be included within the boundaries of any previous survey, and an answer that no vacancy existed has been given by the Land Office, are hereby recognized, and all rights thereunder preserved, and the applicant may have the land surveyed by an authorized surveyor of the State. The survey shall be made, and the field notes, together with plat and a report of the surveyor, shall be filed in the Land Office within ninety days after this Act takes effect, and proceedings shall then be had in accordance with the provisions of law in force at the time of the filing of his application of inquiry with the Land Commissioner.

Sec. 7. From and after the pas-

sage of this Act, all unpaid and delinquent interest on sales of Public School Land, and annually on November 1st of each year as it becomes delinquent, all unpaid interest on Public School Land sales, shall bear interest at the rate of five per cent, compounded annually as it accrues on November 1st of each year; and no patent shall be issued upon any land until all compounded interest shall be paid to the time of issuing patent.

Sec. 8. Lands subject to lease: All islands, salt water lakes, bays, inlets, marshes and reefs owned by the State within tide water limits, and that portion of the Gulf of Mexico within the jurisdiction of Texas, and all unsold public free school land, both surveyed and unsurveyed, shall be subject to lease by the Commissioner to any person, firm or corporation for the production of the minerals, except gold, silver, platinum, cinnabar and other metals, that may be therein or thereunder, in accordance with the provisions of this Act and subdivision 2, Chapter 4, Title 86, Revised Statutes of 1925, relating to leasing public areas, insofar as same is not in conflict herewith.

Any person who discovers an unsurveyed area of school land which has not been listed on the records of the Land Office as school land, and is not in actual conflict on the ground with land previously sold or appropriated and which appears on the official Land Office map as unsurveyed land, may apply in writing to the county surveyor and have the same surveyed, and after the field notes thereof have been returned to the Land Office and approved and filed by the Land Commissioner, shall have a preference right, for sixty days thereafter, to purchase a mineral lease thereon at the minimum price fixed by the Land Commissioner upon approval of the field notes, in addition to the other consideration provided herein.

Sec. 9. Notice for bids: The Commissioner shall fix the minimum price of not less than One Dollar (\$1.00) per acre to be paid, and the day and hour when an area or areas will be subject to lease, and advertise or re-advertise such areas at least thirty days before such lease date, except as provided in case of tie bids, under Article 5356 of the Revised Statutes of 1925. The Commissioner may give such notice by distributing printed

lists as provided for sales of surface rights of public lands.

Sec. 10. Terms of lease: The areas included herein shall be leased for a consideration, in addition to the cash amount bid therefor, of not less than one-eighth of the gross production of oil, or the value of same, that may be produced and saved, and not less than one-eighth of the gross production of gas, or the value of same, that may be produced and sold off the area, and not less than one-sixteenth of the value of all other minerals that may be produced, and an additional sum of twenty-five cents an acre per year for each year thereafter until production is secured. When production has been secured in commercial quantities and the payment of royalty begins and continues to be paid, the owner shall be exempt from further annual rental payments on the acreage. The provisions of this Article in respect to payments of rental after production and the cessation of production shall apply to leases heretofore issued by the State on any area except lands belonging to the State University and eleemosynary institutions. If production should cease and royalty not be paid, the owner of the lease shall, at the end of the lease year in which royalty ceased to be paid, and annually thereafter in advance, pay twenty-five cents per acre so long as such owner may desire to maintain the rights acquired under the lease, not to exceed five years from the date of said lease.

Sec. 11. All payments received by the Commissioner of the general land office shall be transmitted to the State Treasurer to be credited to the proper funds. All payments for land and for mineral leases and rentals thereon, and for royalties on minerals produced, shall be credited to the permanent school fund, and all interest collected hereunder shall be credited to the available school fund. Payments received on purchase price of a tract of land shall be credited to the permanent school fund, and all payments of interest and rentals shall be credited to the available school fund; and all payments constituting the purchase price of a lease for minerals shall be transmitted to the State Treasurer to the credit of the permanent school fund, and likewise all payments of royalty received from minerals sold under leases as well as all rentals

shall be credited to the permanent school fund.

Sec. 12. Any person or corporation desiring to prospect a tract of land or a part of a tract belonging to the State for gold, silver, platinum, cinnabar and other metallic ores and precious stones may file an application with the Commissioner of the Land Office designating the area to be prospected and such applicant shall have a period of one year from date of filing such application within which to prospect the area designated. Within the period of said year he may file an application to lease the area designated for the purpose of mining gold, silver, platinum, cinnabar and other metallic ores and precious stones and remit fifty cents an acre as first annual payment of rental on the lease and continue to make such payments from year to year for a period of five years unless some of the minerals mentioned herein shall be discovered sooner in paying quantities. On discovery of any of such minerals, the payments of such rental shall cease. On the twentieth day of each month the owner of the mine or mines shall pay the royalty due the State which shall be one-sixteenth of the value of the minerals sold or moved off the premises. Such payments shall be remitted to the Commissioner of the General Land Office and credited to the account of the permanent school fund. The leases shall be drawn and the mines operated in accordance with regulations prescribed by the Governor, Attorney General and Commissioner of the General Land Office.

Sec. 13. That Articles 5323, 5338 and 5374 Revised Civil Statutes 1925, and all other laws or parts of laws in conflict herewith are hereby repealed.

Sec. 14. That the importance of this legislation creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

SMALL.